

Part 6

Group

Exhibit C

Depositions of Mike Aprile, Charles August, Steven Cisco, Ryan Drew, Joe Farrell, Joseph Ward,
James Miller, Stan Simrayh, James Schweih, and Mr. Quigley.

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

TAMMY BARKER, TIMOTHY ROBERT)
BARKER, AND MELISA MERRYMAN,)
on behalf of themselves and)
on behalf of those similarly)
situated,)

Plaintiffs,)

vs.)

No. 08-cv-50015

LOCAL 150, INTERNATIONAL)
UNION OF OPERATING ENGINEERS,)
AFL-CIO,)

Defendant.)

The deposition of JOSEPH WARD, called by
the plaintiffs for examination, pursuant to notice
and subpoena and pursuant to the Rules of Civil
Procedure for the United States District Courts,
taken before Lydia B. Pinkawa, CSR and Notary Public
in and for the County of Cook and State of Illinois,
on January 8, 2010, at 1:10 p.m., at 34th Floor,
70 West Madison Street, Chicago, Illinois.

M E R R I L L C O R P O R A T I O N

1 PRESENT:

2 LAW OFFICES OF ROBERT T. HANLON &
3 ASSOCIATES, PC,
4 By MR. ROBERT T. HANLON,
5 14212 Washington Street, Unit B,
6 Woodstock, Illinois 60098,
7 (815) 206-2200

8 appeared on behalf of plaintiffs
9 Tammy Barker and Timothy Robert Barker,

10 LAW OFFICE OF JEAN SNYDER,
11 By MS. JEAN MACLEAN SNYDER,
12 4845 South Kenwood Avenue,
13 Chicago, Illinois 60615,
14 (773) 285-5100

15 appeared on behalf of plaintiff
16 Thomas Merryman,

17 THOMAS D. DECKER & ASSOCIATES, LTD.,
18 By MR. THOMAS D. DECKER,
19 321 South Plymouth Court, Suite 1500,
20 Chicago, Illinois 60604,
21 (312) 922-4180

22 and

23 MR. BRYAN P. DIEMER,
24 Associate General Counsel,
25 Local 150 Legal Department,
26 6140 Joliet Road,
27 Countryside, Illinois 60525,
28 (708) 579-6663

29 appeared on behalf of defendant.

30

31

32

33

34

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS

Joseph Ward

EXAMINED BY

PAGE

Mr. Hanlon

4

Ms. Snyder

60

EXHIBITS MARKED

PAGE

No. 1

23

No. 4

27

No. 5

47

1 MR. HANLON: My name is Robert Hanlon. I'm one
2 of the attorneys for the plaintiffs in a case now
3 pending in the United States District Court for the
4 Northern District of Illinois, case number 08 CV
5 50015 before the Honorable Judge Frederick Kapala
6 captioned Tammy Barker, et al., vs. Local 150
7 International Union of Operating Engineers, AFL-CIO.
8 There's a third party complaint, Local 150 vs.
9 Joseph Ward and Thomas Merryman.

10 This deposition is being taken pursuant to
11 the Federal Rules of Civil Procedure, local rules of
12 the United States District Court for the Northern
13 District of Illinois. The time is now 1:10.

14 JOSEPH WARD,
15 having been first duly sworn, was examined and
16 testified as follows:

17 DIRECT EXAMINATION

18 BY MR. HANLON:

19 Q Could you please state your name for the
20 record and spell your name?

21 A Joseph Ward, W-a-r-d.

22 Q Mr. Ward, before I begin with my
23 examination, I'm going to cover a few ground rules.
24 During this deposition I will ask you a series of

1 questions about the lawsuit and the facts associated
2 with it. It is important that you answer each
3 question verbally so that the court reporter can
4 accurately record your answers. It is also
5 important that only one person speak at a time so
6 it's easier to transcribe what is said. So if you
7 would wait until I finish my question before
8 answering it, I will try to wait until you finish
9 your answer before I ask another question.

10 During the deposition, opposing counsel may
11 raise an objection. His objection will preserve the
12 objection for the record. However, you will still
13 be required to answer that question unless you are
14 exercising a privilege. I ask that you answer -- if
15 I ask you a question and you answer it, I will
16 assume that you understood the question. Is that
17 fair?

18 A That's fair.

19 Q If you don't understand a question, would
20 you please let me know?

21 A I will.

22 Q This deposition is not being taken to try
23 to trick you into answering a question, so again if
24 there's any doubt in your mind, please let me know.

1 If you need a break, likewise you can let me know.

2 If there's a question pending, I'll ask that you
3 answer that question before taking a break.

4 However, if there's no question pending, then we can
5 take a reasonable break. I will note the time that
6 the break is taken and when we return for the
7 record. Is that fair?

8 A That's fair.

9 Q If during the course of the deposition I
10 use the term this lawsuit, I mean case number 08 CV
11 50015, captioned Tammy Barker vs. Local 150
12 International Union of Operating Engineers, AFL-CIO,
13 and the third party complaint which Local 150 has
14 brought against both Joseph Ward and Thomas
15 Merryman. Is that clear?

16 A That's clear.

17 Q If during the course of this deposition you
18 identify any person, could you use both the first
19 and the last name?

20 A I will.

21 MR. HANLON: And for the record, the
22 following persons are present at this
23 deposition: Robert Hanlon, an attorney for the
24 plaintiff; Bryan Diemer, an attorney for the

1 defendant Local 150 International Union of
2 Operating Engineers, Jean Maclean Snyder,
3 attorney for Thomas Merryman; Thomas D. Decker,
4 attorney for Joseph Ward, and Joseph Ward.

5 Q During the course of this deposition I may
6 alert you to a narrow time frame for my questions.
7 In other words, I may provide a period of time, say,
8 between 2003 and January 7th of 2005. Will you
9 understand that if I provide such a time frame, that
10 the question associated with that time frame will be
11 limited solely to that time frame?

12 A Yes.

13 Q Okay. You were served with a subpoena for
14 your testimony in this case, is that correct?

15 A That's correct.

16 Q And the plaintiffs filed a motion to compel
17 your testimony, is that correct?

18 A Yes.

19 Q And Judge Mahoney ordered you to testify in
20 this deposition, is that correct?

21 A Yes.

22 Q Can you tell me where you reside?

23 A 20923 South River Road, Shorewood,
24 Illinois, 60404.

1 Q And how long have you lived at that
2 address?

3 A Approximately four to five years.

4 Q And are you currently employed?

5 A I am not.

6 Q And have you previously been employed?

7 A I was, yes.

8 Q And who were you previously employed by?

9 A By the Inter -- I decline to answer on the
10 grounds of my privilege against self-incrimination
11 under the Fifth Amendment to the U.S. Constitution.

12 Q Mr. Ward, during the balance of this
13 deposition, if you wish to exercise your Fifth
14 Amendment privileges you have just done using those
15 words, I will accept the words take five so that you
16 don't have to recite that entire paragraph.

17 Is that okay with you, Mr. Decker?

18 MR. DECKER: Yes.

19 BY MR. HANLON:

20 Q You were the treasurer of Local
21 150 International Union of Operating Engineers prior
22 to 2007, is that correct?

23 A I take five.

24 Q You were the treasurer for approximately 16

1 years of Local 150 International Union of Operating
2 Engineers, correct?

3 A Take five.

4 Q You have personal knowledge of the
5 procedures used at 150 to obtain a check for payment
6 of a union expense, is that correct?

7 A I take five.

8 Q You have personal knowledge that Local 150
9 uses check requisition forms, is that correct?

10 A Pardon me? I couldn't hear that.

11 Q You have personal knowledge that Local 150
12 uses check requisition forms, correct?

13 A I take five.

14 Q At the time that you were treasurer of
15 Local 150, Local 150 had forms for requesting
16 checks, isn't that correct?

17 A I take five.

18 Q Each and every time a check was needed for
19 a union related expense, a form was executed at
20 Local 150, is that correct?

21 A I take five.

22 Q The form would show what the money was
23 being used for, is that correct?

24 A Take five.

1 Q You reviewed the check requests at Local
2 150, is that correct?

3 A Take five.

4 Q You could have stopped a check from being
5 issued if it was requested by others within Local
6 150, is that correct?

7 A Take five.

8 Q You have personal knowledge that Local 150
9 ordered motor vehicle records from the Illinois
10 secretary of state, correct?

11 A Take five.

12 Q Before you became treasurer, you held the
13 position as a business agent in Local 150, is that
14 correct?

15 A I take five.

16 Q You also served in the position of an
17 organizer, is that correct?

18 A Take five.

19 Q You know Jim Miller, correct?

20 A Take five.

21 Q Jim Miller was employed by Local 150,
22 correct?

23 A Take five.

24 Q Jim Miller was the assistant to the

1 president, correct?

2 A Take five.

3 Q You've seen Jim Miller's signature before,
4 is that correct?

5 A Take five.

6 Q You know Jim Miller's signature, is that
7 correct?

8 A Take five.

9 Q You recognize Jim Miller's signature,
10 correct?

11 A Take five.

12 Q Jim Miller had on occasion -- I'm sorry.
13 Strike that. Jim Miller requested checks to be
14 issued by Local 150, correct?

15 A Take five.

16 Q You know Jim Miller requested a check for
17 motor vehicle records, correct?

18 A Take five.

19 Q As treasurer, you had control over the
20 payment of union money for union expenses, correct?

21 A Take five.

22 Q You reviewed the bank statements for Local
23 150, correct?

24 A Take five.

1 Q Checks issued by Local 150 were supposed to
2 be used for legitimate union expenses, correct?

3 A Take five.

4 Q Before you became treasurer, Local 150 did
5 not have an internal law department, is that
6 correct?

7 A Take five.

8 Q Can you tell me at what point in time Local
9 150 hired Dale Pierson?

10 A Take five.

11 Q Can you tell me who decides what cases are
12 assigned to the attorneys?

13 A I take five.

14 Q Are the attorneys for Local 150 business
15 agents?

16 A I take five.

17 Q The attorneys in the law department of
18 Local 150 are business agents, is that correct?

19 A I take five.

20 Q Do you have personal knowledge that the
21 attorneys for Local 150 having an appearance in this
22 case are business agents for 150, is that correct?

23 A I take five.

24 Q Dale Pierson is a business agent for Local

1 150, correct?

2 A I take five.

3 Q Bryan Diemer is a business agent for Local

4 150, correct?

5 A I take five.

6 Q Mark Paulus is a business agent for Local

7 150, correct?

8 A I take five.

9 Q You know Bill Dugan, correct?

10 A I take five.

11 Q Do you have an opinion of Bill Dugan's

12 reputation for honesty?

13 A I take five.

14 Q Do you have an opinion of Bill Dugan's

15 honesty?

16 A I take five.

17 Q Can you tell me any particular

18 circumstances where you observed Bill Dugan doing

19 something dishonest?

20 A Take five.

21 Q Unethical?

22 A Take five.

23 Q You know Bill Dugan has a -- sorry, strike

24 that. You know Bill Dugan does not have a

1 repetition for truth and veracity in the community,
2 correct?

3 A Take five.

4 Q Do you know if Local 150 has job
5 descriptions?

6 A Take five.

7 Q At the time that you were treasurer, Bill
8 Dugan dictated the roles for each of the employees
9 in Local 150, correct?

10 A Take five.

11 Q How long have you known Bill Dugan?

12 A Take five.

13 Q Do you recall when you first met Bill
14 Dugan?

15 A Take five.

16 Q Have you ever seen a sign that read this is
17 still Bill Dugan country?

18 A Take five.

19 Q What do you understand the meaning of the
20 words this is still Bill Dugan country?

21 A Take five.

22 Q Do you know how prolific was the
23 publication of a statement this is still Bill Dugan
24 country?

1 A Take five.

2 Q The phrase this is still Bill Dugan country
3 was on billboards, correct?

4 A Take five.

5 Q You have personal knowledge that bumper
6 stickers were placed on the backs of road signs with
7 the phrase this is still Bill Dugan country,
8 correct?

9 A Take five.

10 Q You ran for election for the position of
11 president and business manager of Local 150,
12 correct?

13 A I take five.

14 Q Some of the candidates running under your
15 slate of candidates won positions, is that correct?

16 A Take five.

17 Q The election was the subject of a court
18 case brought by the U.S. attorney on behalf of the
19 Secretary of Labor, correct?

20 A Take five.

21 Q You were involved in complaining to the
22 U.S. Department of Labor in connection with the
23 Secretary of Labor's case against Local 150,
24 correct?

1 A Take five.

2 Q The government's case was recently settled,
3 correct?

4 A Take five.

5 Q And there would be a USDOL supervised
6 election, correct?

7 A Take five.

8 Q Bill Dugan isn't still the president of
9 Local 150, correct?

10 A Take five.

11 Q Can you tell me the circumstances
12 surrounding Bill Dugan's resignation?

13 A Take five.

14 Q Wasn't there a raid by federal agents on
15 his Maryland buffalo ranch?

16 A Take five.

17 Q Do you know if Mr. Dugan had knowledge of
18 his wife having cancer when you were seeking to be
19 elected president?

20 A I take five.

21 Q Do you know James Sweeney?

22 A Take five.

23 Q Can you tell me how long you've known
24 Mr. Sweeney?

1 A Take five.

2 Q You know James Sweeney, correct?

3 A Take five.

4 Q Tell me your opinion of James Sweeney's --
5 strike that. Tell me if your opinion of James
6 Sweeney is that he is honest.

7 A Take five.

8 Q Do you know James Sweeney's reputation for
9 truth and veracity in the community?

10 A Take five.

11 Q Tell me James Sweeney's reputation for
12 truth and veracity in the community.

13 A Take five.

14 Q Tell me any particular circumstances where
15 you observed James Sweeney doing something
16 dishonest.

17 A Take five.

18 Q Unethical?

19 A Take five.

20 Q Do you know if James Sweeney has a
21 reputation for truth and veracity in the community?

22 A Take five.

23 Q Do you know Charles August?

24 A Take five.

1 Q You know Charles August, correct?

2 A Take five.

3 Q You know Charles August in excess of ten
4 years, is that correct?

5 A Take five.

6 Q Tell me if you have an opinion if Charles
7 August is honest.

8 A Take five.

9 Q Tell me your opinion -- strike that.
10 Charles August is not honest, is that correct?

11 A Take five.

12 Q Tell me any nicknames that Charles August
13 has.

14 A Take five.

15 Q Tell me particular circumstances where
16 you've observed Charles August doing something
17 dishonest.

18 A Take five.

19 Q You know of Professional Services
20 Industries, is that correct?

21 A I take five.

22 Q Tell me what efforts -- strike that. Tell
23 me what you know about the efforts Local 150 made to
24 organize Professional Services Industries.

1 A Take five.

2 Q You were present for discussions involving
3 Tammy Barker, is that correct?

4 A Take five.

5 Q You were present when discussions were
6 taken involving Local 150 officers and employees
7 where Tammy Barker was discussed, is that correct?

8 A Take five.

9 Q Tell me when the first conversation about
10 Tammy Barker occurred.

11 A Take five.

12 Q James Sweeney and Charles August were
13 present with you for a discussion about Tammy
14 Barker, correct?

15 A Take five.

16 Q Tell me who said what to whom.

17 A Take five.

18 Q Isn't it true that Sweeney instructed
19 August to kidnap Barker's child?

20 A Take five.

21 Q Charles August agreed to kidnap Tammy
22 Barker's child, correct?

23 A Take five.

24 Q Upon learning of this plot to kidnap Tammy

1 Barker's child, what, if anything, did you do?

2 A Take five.

3 Q Did you try to warn Tammy Barker about this
4 kidnap plot?

5 A Take five.

6 Q Were any of Local 150's attorneys present
7 for any discussion involving a plot to kidnap Tammy
8 Barker's child?

9 A Take five.

10 Q Do you know that business agents appeared
11 at the school of Tammy Barker's son?

12 A Take five.

13 Q Local 150 personnel also discussed other
14 objectives relating to a family member of Tammy
15 Barker, correct?

16 A Take five.

17 Q You were present for such discussions, is
18 that correct?

19 A Take five.

20 Q Do you know how James Schweihs became
21 employed as a business agent?

22 A Take five.

23 Q You have personal knowledge that Local 150
24 obtained personal information from motor vehicle

1 records, correct?

2 A Take five.

3 Q You have personal knowledge of Local 150's
4 dealings with the secretary of state, is that
5 correct?

6 A Take five.

7 Q Local 150 obtained two CD's from the
8 Illinois secretary of state, correct?

9 A Take five.

10 Q You had in your possession two CD's from
11 Illinois -- that were originally obtained from the
12 Illinois secretary of state by Local 150, correct?

13 A Take five.

14 Q You provided those disks to Thomas
15 Merryman, correct?

16 A Take five.

17 Q You have personal knowledge that Local 150
18 provided payments or provided things of monetary
19 value to employees of the Illinois secretary of
20 state, is that correct?

21 A Take five.

22 Q Do you know former Governor Ryan?

23 A Take five.

24 Q Former Governor Ryan came to the office of

1 Local 150 to obtain money in furtherance of his
2 defense, is that correct?

3 A Take five.

4 Q You know that James Miller communicated
5 with the Illinois secretary of state's office while
6 at Local 150, correct?

7 A Take five.

8 Q Local 150 obtained computer disks
9 containing motor vehicle records containing personal
10 information from motor vehicle records, correct?

11 A Take five.

12 Q For the balance of this deposition, if I
13 use the term personal information, I mean
14 information -- I will define that term as
15 information that identifies an individual including
16 an individual's photograph, Social Security number,
17 driver's identification number, name, address but
18 not the five digit ZIP code, telephone number and
19 medical or disability information but does not
20 include information on vehicle accidents, driving
21 violations and driver's status. Do you understand
22 that definition?

23 A Yes.

24 Q A moment ago I asked you if Local 150

1 obtained personal information from motor vehicle
2 records. With that definition, would your answer be
3 the same?

4 A Take five.

5 Q Linda Soria is an honest person, correct?

6 A Take five.

7 Q Linda Soria would not sign a false
8 affidavit, would she?

9 A Take five.

10 Q You've seen Linda Soria's handwriting
11 before, is that correct?

12 A Take five.

13 (Document(s) marked as Deposition Group
14 Exhibit No. 1 for identification.)

15 MR. HANLON: I'd like to refer you all to
16 Exhibit No. 1.

17 Q I'd like you to take a look at Exhibit
18 No. 1, an affidavit of Linda Soria.

19 A Do you want me to read the whole thing?
20 This, too, or just this (indicating)?

21 Q I'm just interested in Exhibit No. 1. Have
22 you had a chance to review the affidavit of Linda
23 Soria?

24 A I did.

1 Q Linda Soria's affidavit is true in all
2 respects, correct?

3 A Take five.

4 Q And the signature appearing on Linda
5 Soria's affidavit is Linda Soria's signature,
6 correct?

7 A Take five.

8 Q You have personal knowledge that Linda
9 Soria resides at 16152 South Leach Drive in Homer
10 Glen, Illinois, correct?

11 A I take five.

12 Q Linda Soria was employed by Local 150
13 International Union of Operating Engineers
14 commencing May 3, 1993 and ending September 30,
15 2006, correct?

16 A Take five.

17 Q During Linda Soria's employment with Local
18 150 under your supervision, Linda Soria regularly
19 received microfiche and compact disks containing
20 software and Illinois motor vehicle records on an
21 annual or biannual basis, correct?

22 A Take five.

23 Q You have personal knowledge that Local 150
24 received computer searchable disks containing motor

1 vehicle records in October 2004 and 2005, correct?

2 A Take five.

3 Q You have personal knowledge that Local 150
4 received computer searchable disks containing
5 personal information from motor vehicle records,
6 correct?

7 A Take five.

8 Q You have personal knowledge that business
9 agents would contact Linda Soria and ask for
10 personal identifying information associated with
11 various license plates, is that correct?

12 A Take five.

13 Q During your employment with Local 150 or in
14 your position as a treasurer, you had personal
15 knowledge that Linda Soria would obtain personal
16 information from motor vehicle records and forward
17 that information to business agents of Local 150,
18 correct?

19 A Take five.

20 Q You know that the CRF office -- I'm sorry,
21 strike that. You have personal knowledge that
22 Illinois, Indiana, Iowa Foundation for Fair
23 Contracting is often referred to or has been
24 referred to as the CRF office, is that correct?

1 A Take five.

2 Q Local 150 -- sorry, strike that. You have
3 personal knowledge that Linda Soria would on
4 occasion contact the Local 139 International Union
5 of Operating Engineers and request personal
6 information from motor vehicle records, is that
7 correct?

8 A Take five.

9 Q During the course of your employment in
10 your position as treasurer of Local 150, you had
11 knowledge that Local 150 business agents would use
12 personal information from motor vehicle records to
13 locate the homes of employers and the names and
14 addresses of employees, is that correct?

15 A Take five.

16 Q You also had personal knowledge that Local
17 150 business agents would use personal information
18 from motor vehicle records to identify the spouse
19 and friends of employees as well as other third
20 parties, is that correct?

21 A Take five.

22 Q You have personal knowledge that Linda
23 Soria was instructed to provide personal information
24 from motor vehicle records to the business agents by

1 William E. Dugan, is that correct?

2 A Take five.

3 Q You have personal knowledge that Local 150
4 made a payment to the Illinois secretary of state
5 for microfiche and for computer disks received by it
6 containing personal information from motor vehicle
7 records, correct?

8 A Take five.

9 (Documents marked as Deposition Group
10 Exhibit No. 4 for identification.)

11 Q I'd direct your attention to Exhibit No. 4.

12 MR. DECKER: Do we have copies of this,
13 Rob?

14 MR. HANLON: It's in the packet that I gave
15 you. That was one of the ones that I e-mailed
16 over to you yesterday. That's the clearest
17 image I can get for you outside of the original.
18 I'm only interested in one part.

19 Q You have Exhibit 4 in front of you?

20 A Pardon me?

21 Q Do you have Exhibit No. 4 in front of you?

22 MR. DECKER: Yes.

23 A Yes.

24

1 BY MR. HANLON:

2 Q There's a signature which appears about
3 three-quarters of the way down the page. Do you see
4 that signature?

5 A Take five.

6 Q Take five that you see the signature?

7 A Yes, I see it.

8 Q Okay. Do you recognize that signature?

9 A Take five.

10 Q That signature is the signature of James
11 Miller, is that correct?

12 A Take five.

13 Q That's the same James Miller that was
14 assistant to the president of Local 150
15 International Union of Operating Engineers, correct?

16 A Take five.

17 Q And he served as the assistant to the
18 president, to William E. Dugan, is that correct?

19 A Take five.

20 Q Do you know who James Schweihs is?

21 A Take five.

22 Q James Schweihs is also known as Jim
23 Schweihs, correct?

24 A Take five.

1 Q James Schweihs is sometimes referred to as
2 Jimmy, correct?

3 A Take five.

4 Q James Schweihs is a former business agent
5 of Local 150, correct?

6 A Take five.

7 Q James Schweihs' father was Frank Schweihs,
8 is that correct?

9 A Take five.

10 Q And Frank Schweihs was known as Frank the
11 German, correct?

12 A Take five.

13 Q Frank the German was reputed to be a
14 Chicago outfit hit man, is that correct?

15 A Take five.

16 Q What, if anything, do you know about Frank
17 the German?

18 A Take five.

19 Q Frank Schweihs was known as Frank the
20 German, correct?

21 A Take five.

22 Q And Frank the German, Frank Schweihs was a
23 reputed member of the Chicago outfit, correct?

24 A Take five.

1 Q And when I use the term Chicago outfit, you
2 understand that to mean the mob, correct?

3 A Take five

4 Q And when I used the term the mob, you
5 understood that to mean the Cosa Nostra organized
6 crime, correct?

7 A Take five.

8 Q Frank the German was generally believed to
9 be a hit man, correct?

10 A Take five.

11 Q Frank the German had been indicted in
12 Operation Family Secrets, correct?

13 A Take five.

14 Q Local 150 hired James Schweihs knowing his
15 father was a known associate of organized crime,
16 correct?

17 A Take five.

18 Q You have personal knowledge that Local 150
19 hired James Schweihs knowing his father was a known
20 associate of organized crime, correct?

21 A Take five.

22 Q You have personal knowledge that James
23 Schweihs was hired so that he would instill fear in
24 Tammy Barker, correct?

1 A Take five.

2 Q James Schweihs was assigned to -- I'm
3 sorry. You have personal knowledge that James
4 Schweihs was assigned to follow Tammy Barker around,
5 is that correct?

6 A Take five.

7 Q And that was the purpose of following Tammy
8 Barker around was to make her fearful, correct?

9 A Take five.

10 Q And Frank Schweihs, also known as Frank the
11 German, died awaiting trial, correct?

12 A Take five.

13 Q You had personal knowledge that Frank the
14 German had previously been convicted of a felony, is
15 that correct?

16 A Take five.

17 Q Frank the German was alleged to have
18 committed numerous murders, correct?

19 A Take five.

20 Q Have you ever met Frank the German?

21 A Take five.

22 (Whereupon Ms. Snyder left the room.)

23 MR. HANLON: Could the record reflect that
24 Jean Snyder has departed from the room. With

1 that in mind, does anybody need a break at the
2 moment?

3 Q When did you first learn about who Frank
4 the German was?

5 A Take five.

6 Q At what point in time did you learn --
7 strike that. You had personal knowledge that --
8 strike that. Have you conducted an Internet search
9 to ascertain and locate any articles on Frank the
10 German or Frank Schweih's?

11 A Take five.

12 Q Who at Local 150 hired James Schweih's?

13 A Take five.

14 Q Was Bill Dugan involved in hiring James
15 Schweih's?

16 A Take five.

17 Q Do you know if James Schweih's was violent?

18 A Take five.

19 Q Do you anticipate your wife would be
20 fearful if James Schweih's was following her?

21 A Take five.

22 Q Do you anticipate your wife would be
23 fearful if Frank Schweih's was following her?

24 A Take five.

1 Q Do you know if anyone at Local 150 --
2 strike that.

3 (Whereupon Ms. Snyder entered the room.)

4 Q You did deliver to Thomas Merryman on or
5 about October 10, 2006 two CD's, is that correct?

6 A Take five.

7 Q The two CD's you delivered to Thomas
8 Merryman were received by Local 150 from the
9 Illinois secretary of state's office, is that
10 correct?

11 A Take five.

12 Q In October 2006 you were the treasurer of
13 Local 150 International Union of Operating
14 Engineers, correct?

15 A Take five.

16 Q In October 2006 did you owe Thomas --
17 sorry, strike that. In October 2006 did you owe
18 Local 150 and its members a fiduciary duty of care?

19 A Take five.

20 Q In October of 2006 did you owe Local 150
21 and its members a fiduciary duty of good faith?

22 A Take five.

23 Q In October of 2006 did you owe Local 150
24 and its members a duty of fair dealing?

1 A Take five.

2 Q You never made any demand on Thomas
3 Merryman for the return of the CD, did you?

4 A Take five.

5 Q And tell me how Local 150 obtained CD's
6 which were tendered to Thomas Merryman.

7 A Take five.

8 Q You have personal knowledge that Bill Dugan
9 was involved with Local 150's obtaining motor
10 vehicle records from the Illinois secretary of
11 state's office, is that correct?

12 A Take five.

13 Q You have personal knowledge that William
14 Dugan obtained personal information from motor
15 vehicle records, is that correct?

16 A Take five.

17 Q You have personal knowledge that William E.
18 Dugan instructed the disclosure of personal
19 information from motor vehicle records, correct?

20 A Take five.

21 Q You have personal information that James
22 Sweeney obtained personal information from motor
23 vehicle records, correct?

24 A Take five.

1 Q You have personal knowledge that James
2 Sweeney used personal information from motor vehicle
3 records, correct?

4 A Take five.

5 Q You have personal knowledge that James
6 Sweeney disclosed personal information from motor
7 vehicle records, correct?

8 A Take five.

9 Q You have personal knowledge that Local 150
10 obtained personal information from motor vehicle
11 records, correct?

12 A Take five.

13 Q And you have personal knowledge that Local
14 150 used personal information from motor vehicle
15 records, correct?

16 A Take five.

17 Q You have personal knowledge that Local 150
18 disclosed personal information from motor vehicle
19 records, correct?

20 A Take five.

21 Q You obtained personal information from
22 motor vehicle records, correct?

23 A Take five.

24 Q You used personal information from motor

1 vehicle records, correct?

2 A Take five.

3 Q You disclosed personal information from
4 motor vehicle records, correct?

5 A Take five.

6 Q You have personal knowledge that Local 150
7 was not using personal information from motor
8 vehicle records to verify the accuracy of personal
9 information submitted by the individual or, sorry,
10 submitted by the individual to the business or its
11 agents, employees or contractors, correct?

12 A Take five.

13 Q You have personal knowledge that Local 150
14 obtained personal information from motor vehicle
15 records for the purpose of obtaining personal
16 information to run license plates at construction
17 sites only, is that correct?

18 A Take five.

19 Q You have personal knowledge that Local 150
20 did not obtain personal information from motor
21 vehicle records for the purpose of preventing fraud,
22 correct?

23 A Take five.

24 Q You have personal knowledge that Local 150

1 obtained personal information from motor vehicle
2 records for a purpose other than pursuing legal
3 remedies against recovering on a debt or security
4 interest against the individual owner of a motor
5 vehicle?

6 A Take five.

7 Q You have personal knowledge of Local 150
8 was not using personal information from motor
9 vehicle records in connection with any civil,
10 criminal, administrative or arbitral hearing in any
11 federal, state, local court or agency before any
12 self-regulated body, is that correct?

13 A Take five.

14 Q Do you have personal knowledge that Local
15 150 was using personal information from motor
16 vehicle records --

17 A Take five.

18 Q I hadn't finished.

19 A I'm sorry.

20 Q That's okay. I paused, so I'll rephrase.
21 I know this is getting somewhat laborious, so I
22 apologize to you and thank you for your patience.

23 You have personal knowledge that Local 150
24 obtained personal information from motor vehicle

1 records for purposes other than serving process or
2 investigation in anticipation of litigation, is that
3 correct?

4 A Take five.

5 Q And you have personal knowledge that Local
6 150 obtained personal information for a purpose
7 other than the execution and enforcement of
8 judgments and orders, is that correct?

9 A Take five.

10 Q And you have personal knowledge that Local
11 150 obtained, used or disclosed personal information
12 from motor vehicle records for a use other than
13 pursuant to a federal, state or local court, is that
14 correct?

15 A Take five.

16 Q You have personal knowledge that Local 150
17 was not involved in any research activities such as
18 providing statistical reports, is that correct?

19 A Take five.

20 Q You have personal knowledge that Local 150
21 used personal information from motor vehicle records
22 to contact individuals, correct?

23 A Take five.

24 Q You have personal knowledge that Local 150

1 obtained, used or disclosed personal information for
2 purposes other than insurance, is that correct?

3 A Take five.

4 Q You have personal knowledge that Local 150
5 is not self-insured, is that correct?

6 A Take five.

7 Q You have personal knowledge that Local 150
8 obtained, used or disclosed motor vehicle records
9 for a use other than providing notice to owners of
10 towed or impounded vehicles, correct?

11 A Take five.

12 Q Local 150 is not a licensed private
13 investigative agency, correct?

14 A Take five.

15 Q Local 150 isn't a licensed security service
16 for any purpose permitted under DPPA, correct?

17 A Take five.

18 Q Local 150 did not obtain, use or disclose
19 personal knowledge from motor vehicle records to
20 verify information relating to the holder of a
21 commercial driver's license, correct?

22 A Take five.

23 Q Local 150 doesn't operate any private toll
24 road transportation facilities, correct?

1 A Take five.

2 Q Local 150 obtained, used or disclosed
3 personal information for a use other than in
4 connection with the operation of private toll
5 transportation facilities, correct?

6 A Take five.

7 Q Local 150 -- strike that. You have
8 personal knowledge that Local 150 used personal
9 information for a use other than in connection with
10 the operation of a private toll transportation
11 facility, correct?

12 A Take five.

13 Q You have personal knowledge that Local 150
14 obtained, used or disclosed personal information
15 from motor vehicle records for a use other than in
16 response to request of the individual for the
17 issuance or renewal of operator's permits, titles or
18 registrations, correct?

19 A Take five.

20 Q You have personal knowledge that Local 150
21 obtained, used or disclosed personal information for
22 a use other than for bulk distribution for surveys,
23 marketing or solicitations with motor vehicle
24 department implemented methods or procedures to

1 ensure -- and it gets kind of long here, so I'm
2 going to break it up -- that individuals were
3 deprived of an opportunity in a clear, conspicuous
4 manner to prohibit such use?

5 A Take five.

6 Q You have knowledge that Local 150 obtained
7 personal information from motor vehicle records for
8 a use other than bulk distribution surveys,
9 marketing or solicitations -- strike that.

10 You have personal knowledge that Local 150
11 had not obtained the consent of any owner of any
12 motor vehicle record to obtain their personal
13 information, is that correct?

14 A Take five.

15 Q You have personal knowledge that for any
16 other -- strike that. You're familiar with the
17 Foundation for Fair Contracting?

18 A Pardon me?

19 Q Are you familiar with the Foundation for
20 Fair Contracting?

21 A Take five.

22 Q The Indiana, Illinois, Iowa Foundation for
23 Fair Contracting has offices in a complex where
24 Local 150 has its offices, correct?

1 A Take five.

2 Q And you have personal knowledge that Local
3 150 would obtain personal information from motor
4 vehicle records from the Indiana, Iowa, Illinois
5 Foundation for Fair Contracting, correct?

6 A Take five.

7 Q If, during the course of the rest of this
8 deposition if I simply use the acronym FFC, you will
9 understand that to mean Illinois, Indiana, Iowa
10 Foundation for Fair Contracting, correct?

11 A I do.

12 Q Thank you. Local 150 obtained from the FFC
13 personal information from motor vehicle records from
14 the FFC, correct?

15 A Take five.

16 Q Since January 2008 you have personal
17 knowledge Local 150 continues to obtain personal
18 information from motor vehicle records through the
19 Illinois Foundation for Fair Contracting, the FFC?

20 A Take five.

21 Q I was a little unclear in my question
22 there, so I'm going to just restate that to make
23 sure it's clear. You have personal knowledge that
24 Local 150 obtained personal information from motor

1 vehicle records through the FFC, correct?

2 A Take five.

3 Q Can you tell me how you got your first job
4 at Local 150?

5 A Take five.

6 Q Who hired you?

7 A Take five.

8 Q You have personal knowledge that William E.
9 Dugan obtained personal information from motor
10 vehicle records, correct?

11 A Take five.

12 Q You have personal knowledge that William E.
13 Dugan obtained personal information from motor
14 vehicle records for use other than by a government
15 agency including court and law enforcement agencies,
16 is that correct?

17 A Take five.

18 Q You have knowledge that the FFC is not a
19 private entity acting on behalf of a federal, state
20 or local agency in carrying out its functions, is
21 that correct?

22 A Take five.

23 Q You have personal knowledge that William E.
24 Dugan obtained personal information from motor

1 vehicle records for use other than for use by a
2 government agency or any person acting on behalf of
3 a federal, state or local agency in carrying out its
4 functions?

5 A Take five.

6 Q Correct? Just so the answer was clear,
7 your answer was take five to the prior question.

8 You have personal knowledge that William E.
9 Dugan obtained personal information and used
10 personal information from motor vehicle records for
11 a use other than in connection with matters of motor
12 vehicle or driver safety and theft, is that correct?

13 A Take five.

14 Q And you have personal knowledge that
15 William E. Dugan obtained, used or disclosed
16 personal information from motor vehicle records for
17 use other than vehicle emissions or motor vehicle
18 product alterations, recalls or advisories, is that
19 correct?

20 A Take five.

21 Q You have personal knowledge that Local 150
22 obtained personal information, used personal
23 information or disclosed personal information from
24 motor vehicle records for a use other than in

1 connection with matters of motor vehicle or driver
2 safety, is that correct?

3 A Take five.

4 Q And you have personal knowledge that Local
5 150 obtained, used or disclosed personal information
6 from motor vehicle records for use other than
7 vehicle emissions, motor vehicle product
8 alterations, recalls or advisories, performance
9 monitoring of motor vehicles, motor vehicle parts
10 and dealers, correct?

11 A Take five.

12 Q And you have personal knowledge that Local
13 150 obtained, used or disclosed personal information
14 from motor vehicles for use other than motor vehicle
15 market research activities, correct?

16 A Take five.

17 Q You have personal knowledge that Local 150
18 obtained personal information, used personal
19 information or disclosed personal information from
20 motor vehicle records for use other than survey
21 research, is that correct?

22 A Take five.

23 Q You have personal knowledge that Local 150
24 obtained, used or disclosed motor vehicle -- strike

1 that. You have personal knowledge that Local 150
2 obtained, used or disclosed personal information
3 from motor vehicle records for a use other than the
4 removal of non-owner of records from the original
5 owner of records of motor vehicle manufacturers,
6 correct?

7 A Take five.

8 Q You have personal knowledge that Local
9 150 -- strike that. I just need a short break.

10 (A recess was taken from 2:05 to 2:14 p.m.,
11 after which the following proceedings were had:)

12 Q Mr. Ward, I previously asked about a
13 lawsuit involving the U.S. attorney's office and
14 Department of Labor on election. You've been a
15 party to other lawsuits for Local 150, correct?

16 A Take five.

17 Q And you've settled those lawsuits with
18 Local 150, is that correct?

19 A Take five.

20 Q And you have settlement agreements with
21 Local 150 with respect to those lawsuits, is that
22 correct?

23 A Take five.

24

1 (Document marked as Deposition Exhibit
2 No. 5 for identification.)

3 MR. HANLON: At this time I'm handing to
4 the witness a subpoena for records as well as
5 copies of that subpoena to opposing counsel.

6 Q If I could direct your attention to Exhibit
7 No. 5, an image of two CD's. Have you seen the two
8 CD's shown in Exhibit No. 5 prior to today?

9 A Pardon me?

10 Q Have you seen the two CD's depicted in
11 Exhibit 5 prior to today?

12 A Take five.

13 Q Those are the two CD's that you handed to
14 Thomas Merryman, is that correct?

15 A Take five.

16 Q And those are the two CD holders that
17 contained the CD's when you handed them to Thomas
18 Merryman, is that correct?

19 A Take five.

20 (Discussion off the record.)

21 Q Mr. Ward, do you want to confer with your
22 counsel?

23 A No, go ahead.

24 Q Is there anything that would interfere with

1 your testimony today?

2 A Take five.

3 Q You're not on any drugs or alcohol today
4 that would interfere with your testimony today? I
5 have to ask the question. I know it's one of those
6 things.

7 THE WITNESS: Can I answer that?

8 MR. DECKER: Take five.

9 A Take five.

10 BY MR. HANLON:

11 Q Has anyone at Local 150 offered you
12 anything of value in exchange for your taking five
13 today?

14 A Take five.

15 Q Can you articulate the basis for -- I'm
16 sorry, strike that. Can you tell me why you're
17 taking five today?

18 A Take five.

19 Q Tell me what basis you have for taking
20 five.

21 A Take five.

22 Q Are you aware of any criminal investigation
23 of you?

24 A Take five.

1 Q I'd like you to confine your answers to the
2 period of between January 21, 2004 and January 7th
3 of 2005. Do you understand that time frame?

4 A I do.

5 Q Okay. During that time frame did Local 150
6 obtain, use or disclose any personal information
7 from motor vehicle records?

8 A Take five.

9 Q Is there any fact that would lead you to
10 believe that you could be prosecuted for a crime
11 testifying as to motor vehicle records more than
12 five years ago?

13 A Take five.

14 Q Isn't it true that William Sweeney
15 obtained, used and disclosed personal information
16 from motor vehicle records?

17 A Take five.

18 Q Isn't it true that you have personal
19 knowledge that James Sweeney obtained, used or
20 disclosed personal information from motor vehicle
21 records?

22 A Take five.

23 Q You have personal knowledge that James
24 Sweeney obtained, used or disclosed personal

1 information for a use other than to verify the
2 accuracy of personal information submitted by an
3 individual to Local 150 or its agents, employees or
4 contractors, is that correct?

5 A Take five.

6 Q Do you have personal knowledge that James
7 Sweeney obtained, used or disclosed personal
8 information from motor vehicle records for a use
9 other than acting on behalf of a federal, state or
10 local agency in carrying out its functions?

11 A Take five.

12 Q Do you have personal knowledge that James
13 Sweeney obtained, used or disclosed personal
14 information from motor vehicles for a use other than
15 matters of motor vehicle driver safety and theft, is
16 that right?

17 A Take five.

18 Q And you have personal knowledge that James
19 Sweeney obtained personal information, used personal
20 information or disclosed personal information from
21 motor vehicle records for a purpose other than motor
22 vehicle emissions, motor vehicle alterations,
23 recalls or advisories, correct?

24 A Take five.

1 Q You have personal knowledge that James
2 Sweeney obtained, used or disclosed personal
3 information from motor vehicle records for a reason
4 other than performance of monitoring of motor
5 vehicles, correct?

6 A Take five.

7 Q You have personal knowledge that James
8 Sweeney obtained personal information from motor
9 vehicle records for use other than in connection
10 with motor vehicle parts and dealers, is that
11 correct?

12 A Take five.

13 Q You have personal knowledge that James
14 Sweeney obtained, used and disclosed personal
15 information from motor vehicle records for use other
16 than motor vehicle market research activities,
17 including survey research, correct?

18 A Take five.

19 Q You have personal knowledge that James
20 Sweeney obtained, used or disclosed personal
21 information from motor vehicle records for use other
22 than the removal of non-owner records from the
23 original owner records of motor vehicle
24 manufacturers, correct?

1 A Take five.

2 Q And you have personal knowledge that James
3 Sweeney obtained, used or disclosed personal
4 information from motor vehicle records other than to
5 verify the accuracy of personal information
6 submitted by an individual to Local 150 or James
7 Sweeney or Local 150's employees or contractors,
8 correct?

9 A Take five.

10 Q You have personal knowledge that James
11 Sweeney obtained, used or disclosed personal
12 information from motor vehicle records for use other
13 than to correct information of the Illinois
14 secretary of state's office, is that correct?

15 A Take five.

16 Q You have personal knowledge that Local 150
17 and James Sweeney had obtained, used or disclosed
18 personal information for a purpose other than
19 preventing fraud, correct?

20 A Take five.

21 Q You have personal knowledge that James
22 Sweeney obtained, used or disclosed personal
23 information from motor vehicle records for a use
24 other than pursuing legal remedies against or

1 recovering on a debt or security interest against
2 the individual related to that motor vehicle record,
3 correct?

4 A Take five.

5 Q You have personal knowlege that James
6 Sweeney obtained, used or disclosed personal
7 information for a use other than in connection with
8 any civil, criminal or administrative or arbitral
9 proceeding, correct?

10 A Take five.

11 Q You have personal information that James
12 Sweeney obtained, used or disclosed personal
13 information from motor vehicle records other than
14 for use in research activities, correct?

15 A Take five.

16 Q You have personal knowledge that James
17 Sweeney obtained, used or disclosed personal
18 information from motor vehicle records for use other
19 than in producing statistical reports, correct?

20 A Take five.

21 Q You have personal knowledge that James
22 Sweeney obtained, used or disclosed personal
23 information from motor vehicle records so that
24 individuals could be contacted, correct?

1 A Take five.

2 Q You have personal knowledge that James
3 Sweeney obtained, used or disclosed personal
4 information from motor vehicle records for use other
5 than by use by an insurance company or an insurance
6 support organization, correct?

7 A Take five.

8 Q You have personal knowledge that James
9 Sweeney obtained, used or disclosed personal
10 information from motor vehicle records for use other
11 than self -- strike that.

12 You have personal knowledge that James
13 Sweeney obtained, used or disclosed personal
14 information for use other than for providing notice
15 to owners of towed or impounded vehicles, correct?

16 A Take five.

17 Q You have knowledge that -- strike that.
18 You have personal knowledge that James Sweeney
19 obtained, used or disclosed personal information
20 from motor vehicle records for use other than by a
21 private, licensed private investigative agency, a
22 licensed security service or any other purpose
23 permitted in the DPPA, correct?

24 A Take five.

1 Q You have personal knowledge that James
2 Sweeney obtained, used or disclosed personal
3 information from a motor vehicle record for a use
4 other than use by an employer or its agents to
5 obtain or verify information relating to the holder
6 of a commercial driver's license, correct?

7 A Take five.

8 Q You have personal knowledge that James
9 Sweeney obtained, used or disclosed personal
10 information from motor vehicle records for use other
11 than in connection with the operation of a private
12 toll or transportation facility, correct?

13 A Take five.

14 Q You have personal knowledge that James
15 Sweeney obtained, used or disclosed personal
16 information from motor vehicle records for a use
17 other than for any use in response to the request of
18 individual motor vehicle records if the motor
19 vehicle department had provided a clear and
20 conspicuous -- strike that whole thing. I have to
21 break it up.

22 You have knowledge that James Sweeney has
23 personal knowledge -- strike that. You have
24 personal knowledge that James Sweeney obtained, used

1 or disclosed personal information from motor vehicle
2 records for a use other than the renewal of operator
3 permits, correct?

4 A Take five.

5 Q You have personal knowledge that James
6 Sweeney obtained, used or disclosed personal
7 information from motor vehicle records for use other
8 than for title registrations, owner identification
9 cards, correct?

10 A Take five.

11 Q You have personal knowledge that James
12 Sweeney obtained, used or disclosed personal
13 information from motor vehicle records for use other
14 than to provide notice -- strike that.

15 You have personal knowledge that James
16 Sweeney obtained, used or disclosed personal
17 information from motor vehicle records for a purpose
18 other than bulk distribution services, I'm sorry,
19 bulk distribution surveys, correct?

20 A Take five.

21 Q You have personal knowledge that James
22 Sweeney obtained, used or disclosed personal
23 information from motor vehicle records for a use
24 other than marketing or solicitations, correct?

1 A Take five.

2 Q You have personal knowledge that James
3 Sweeney has not received any written consent forms
4 from any owners -- strike that whole thing. You
5 have personal knowledge that James Sweeney obtained,
6 used or disclosed personal information from motor
7 vehicle records for a purpose other than for use in
8 bulk distribution surveys, marketing and
9 solicitations, correct?

10 A Take five.

11 Q You have personal knowledge that James
12 Sweeney obtained personal information, obtained,
13 used or disclosed -- strike that. You have personal
14 knowledge that James Sweeney obtained, used or
15 disclosed personal information from motor vehicle
16 records for a purpose other than for a use with the
17 consent of the individual to whom the information
18 pertains, correct?

19 A Take five.

20 Q You have personal knowledge that James
21 Sweeney obtained, used or disclosed personal
22 information from motor vehicle records for a use
23 other than as specifically authorized under the laws
24 of the state of Illinois, correct?

1 A Take five.

2 Q Isn't it true that you were present when
3 former Governor Ryan came to the headquarters of
4 Local 150 and obtained money from William E. Dugan,
5 correct?

6 A Take five.

7 MR. HANLON: I just need another five
8 minute break, if that's okay with you.

9 (A recess was taken from 2:30 to 2:35 p.m.,
10 after which the following proceedings were had:)

11 Q Mr. Ward, have you had any discussions with
12 the U.S. attorney's office with regard to any of
13 your testimony today?

14 A Take five.

15 Q Have you been granted immunity from anyone
16 at the U.S. attorney's office?

17 A Take five.

18 Q Is there anything beyond speculation of
19 prosecution with respect to your exercising of your
20 Fifth Amendment privilege today?

21 A Take five.

22 Q Are you aware of any pending investigation
23 by the U.S. attorney's office?

24 A Take five.

1 Q Are you aware of any pending investigation
2 by the FBI?

3 A Take five.

4 Q Are you aware of any pending investigation
5 by the U.S. Department of Labor?

6 A Take five.

7 MR. DECKER: State's attorney?

8 MR. HANLON: Might as well get to them.

9 Q Are you aware of any investigation with
10 respect to or by the state's attorney's office?

11 A Take five.

12 Q Are you aware of any investigation with
13 respect to any law enforcement agency?

14 A Take five.

15 Q Are you aware of any investigation by any
16 law enforcement agency related to you?

17 A Take five.

18 Q Related to any investigation, any
19 pending -- strike that. Are you aware of any
20 pending investigation with regard to your testimony
21 today?

22 A Take five.

23 Q Are you aware of any pending investigation
24 by any law enforcement agency as to any of the

1 matters you were asked about in your testimony
2 today?

3 A Take five.

4 MR. HANLON: Mr. Diemer, do you have any
5 questions?

6 MR. DIEMER: Have you concluded your
7 deposition?

8 MR. HANLON: I have.

9 MR. DIEMER: No questions.

10 MS. SNYDER: I have a few.

11 MR. HANLON: I was going to ask Mr. Decker
12 if he wanted to raise any --

13 MS. SNYDER: Ask some questions? I kind of
14 doubt that.

15 MR. HANLON: You may, Jean.

16 CROSS EXAMINATION

17 BY MS. SNYDER:

18 Q Mr. Ward, my name is Jean Snyder, as I've
19 told you, and I represent Thomas Merryman in this
20 lawsuit. You understand that?

21 A Yes.

22 Q Mr. Merryman is somebody whose name rings a
23 bell as somebody you know, isn't that correct?

24 A Take five.

1 Q And isn't it a fact that you first met him
2 in the fall of 2006?

3 A Take five.

4 Q You met him because you called him up and
5 asked him to meet, isn't that right?

6 A Take five.

7 Q Over the course of the next two years
8 following the fall of 2006, your first meeting with
9 Mr. Merryman, you met with him several times, is
10 that right?

11 A Take five.

12 Q Did meetings occur in restaurants with
13 Mr. Merryman?

14 A Take five.

15 Q At the meetings, if they occurred, did you
16 bring people with you from time to time?

17 A Take five.

18 Q Did Mr. Merryman himself bring anybody with
19 him?

20 A Take five.

21 Q Did you sometimes bring union officials
22 with you to the meetings?

23 A Take five.

24 Q And when I say union, I mean the Local 150.

1 You understand that?

2 A I do.

3 Q At a meeting in the fall of 2006, your
4 first meeting with Mr. Merryman, did you talk about
5 a pending lawsuit that Merryman Excavation had with
6 Chuck August involving charity fraud?

7 A Take five.

8 Q Is that a lawsuit that rings a bell to you
9 that you're familiar with, a lawsuit involving
10 Merryman Excavation and Chuck August of charity
11 fraud?

12 A Take five.

13 Q Did you ask Mr. Merryman at that meeting if
14 he needed additional information for dealing with
15 that lawsuit?

16 A Take five.

17 Q Did you offer him some information at that
18 meeting?

19 A Take five.

20 Q And isn't it the case that you paid for
21 lunch at that meeting?

22 A Pardon me?

23 Q Isn't it the case that you paid for lunch
24 at that meeting?

1 A Take five.

2 Q Are you familiar with or have personal
3 knowledge of an arrangement of the unions whereby
4 cars would be bought and sold at discounted rates
5 with inaccurate mileage on them to union members?

6 A Take five.

7 Q Is that a subject that you have ever heard
8 about from union members even if you don't have
9 personal knowledge of it?

10 A Take five.

11 Q Is that a subject that you discussed with
12 Mr. Merryman at any time?

13 A Take five.

14 Q Are you familiar with an arrangement
15 whereby equipment would be shipped to Bill Dugan's
16 ranch that he would use personally and it would be
17 at Mr. Dugan's but would be listed in union audits
18 as union equipment? Is that something you know
19 something about?

20 A Take five.

21 Q If you don't know anything about it
22 personally, is it something you've ever heard union
23 members talk about?

24 A Take five.

1 Q Is it something that you discussed with
2 Mr. Merryman?

3 A Take five.

4 Q Are you familiar personally with an
5 arrangement with the Christmas club of the union and
6 a scheme whereby, to generate cash for the local,
7 everybody got a raise and then they turned over
8 money every week from their check to the Christmas
9 club so there would be cash?

10 A Take five.

11 Q Is that something you've heard other people
12 talk about?

13 A Take five.

14 Q And I'm sorry, I meant Christmas fund, not
15 Christmas club. With that clarification, does that
16 change your answers before?

17 A I take five.

18 Q Is that a topic that you talked to
19 Mr. Merryman about any of the times you met with him
20 between September 2006 and late 2008?

21 A Take five.

22 Q And the arrangement involving political
23 contributions for Governor Ryan that Mr. Hanlon has
24 asked you about, is that something that you

1 discussed with Mr. Merryman?

2 A Take five.

3 Q Did you ever talk to Mr. Merryman about the
4 painters union donating paint to Bill Dugan so that
5 he -- for his personal use so that things would be
6 painted on his property?

7 A Take five.

8 Q Are you personally familiar with raffles
9 that the union conducted that weren't licensed by
10 the state?

11 A Take five.

12 Q Did you ever hear any union members talk
13 about that even if you don't have personal
14 knowledge?

15 A Take five.

16 Q Did you talk to Mr. Merryman about that
17 subject at some of the times you met with him?

18 A Take five.

19 Q Now, did you give Mr. Merryman information
20 and documents about some of the things that we've
21 talked about, the Christmas fund, political
22 contributions and so on?

23 A Take five.

24 Q And isn't it the case that -- Mr. Merryman

1 and you were not personal friends, isn't that
2 accurate?

3 A Take five.

4 Q You didn't have any social relationship,
5 isn't that right?

6 A What was the question?

7 Q You didn't have any social relationship?

8 A Take five.

9 Q And Mr. Hanlon has asked you quite a few
10 questions about two CD's that -- he's asked you
11 about these CD's that he's asserted you gave to
12 Mr. Ward. Do you recall that? I'm sorry. To
13 Mr. Merryman. Do you recall that topic?

14 A Take five.

15 Q Well, then let me ask you, isn't it the
16 case that you gave two CD's to Mr. Merryman?

17 A Take five.

18 Q And that those CD's are pictured in
19 Exhibit 5?

20 A Take five.

21 Q And isn't it the case that this took place
22 at one of these meetings that you and Mr. Merryman
23 had, in particular this one was in October 2006?

24 A Take five.

1 Q When the CD's exchanged hands, isn't it a
2 fact that you gave them to Mr. Merryman?

3 A Take five.

4 Q You didn't ask for them back ever, isn't
5 that right?

6 A Take five.

7 Q And nobody else from the union so far as
8 you know asked for them back, isn't that right?

9 A Take five.

10 MS. SNYDER: I don't have any other questions.

11 MR. DECKER: Well, I have tons of questions, but
12 I'm too tired to ask them, so I guess we're all
13 done.

14 MR. HANLON: We just have the issue of
15 signature. I assume that you're not going to waive
16 signature, if you'll explain that to your client.

17 MR. DECKER: You have the right to go through
18 all this stuff.

19 THE WITNESS: Whatever you --

20 MR. DECKER: We'll waive.

21 (WITNESS EXCUSED.)

22

23

24

Joseph Ward January 8, 2010

A	64:16	B	cards 56:9	company 54:5
accept 8:15	anticipate 32:19,22	B 1:17 2:3 68:3	care 33:18	compel 7:16
accidents 22:20	anticipation 38:2	back 67:4,8	carrying 43:20 44:3	complaining 15:21
accuracy 36:8 50:2	anybody 32:1 61:18	backs 15:6	50:10	complaint 4:8 6:13
52:5	apologize 37:22	balance 8:12 22:12	cars 63:4	complex 41:23
accurate 66:2	appearance 12:21	bank 11:22	case 4:2,4 6:10 7:14	computer 22:8 24:24
accurately 5:4	appeared 2:5,10,19	Barker 1:3,4 2:6,6	12:22 15:18,23	25:4 27:5
acronym 42:8	20:10 68:8	4:6 6:11 19:3,7,10	16:2 62:20,23	concluded 60:6
acting 43:19 44:2	appearing 24:4	19:14 20:3,15	65:24 66:16,21	conducted 32:8 65:9
50:9	appears 28:2	30:24 31:4,8	cases 12:11	confer 47:21
activities 38:17	approximately 8:3	Barker's 19:19,22	cash 64:6,9	confine 49:1
45:15 51:16 53:14	8:24	20:1,8,11	CD 34:3 47:16	connection 15:22
additional 62:14	arbitral 37:10 53:8	basis 24:21 48:15,19	CD's 21:7,10 33:5,7	37:9 40:4,9 44:11
address 8:2 22:17	arrangement 63:3	behalf 1:4,5 2:5,10	34:5 47:7,8,10,13	45:1 51:9 53:7
addresses 26:14	63:14 64:5,22	2:19 15:18 43:19	47:17 66:10,11,16	55:11
administrative 37:10	articles 32:9	44:2 50:9	66:18 67:1	consent 41:11 57:3
53:8	articulate 48:15	believe 49:10	certify 68:5,9,13,15	57:17
advisories 44:18	ascertain 32:9	believed 30:8	chance 23:22	conspicuous 41:3
45:8 50:23	asked 22:24 46:12	bell 60:23 62:8	change 64:16	55:20
affidavit 23:8,18,22	60:1 61:5 64:24	beyond 58:18	charity 62:6,10	Constitution 8:11
24:1,5	66:9,10 67:8	biannual 24:21	Charles 17:23 18:1,3	construction 36:16
AFL-CIO 1:9 4:7	asserted 66:11	Bill 13:9,11,14,18,23	18:6,10,12,16	contact 25:9 26:4
6:12	assigned 12:12 31:2	13:24 14:7,11,13	19:12,21	38:22
agencies 43:15	31:4	14:17,20,23 15:2,7	check 9:5,9,12,18	contacted 53:24
agency 37:11 39:13	assistant 10:24 28:14	16:8 12 32:14 34:8	10:1,4 11:16 64:8	contained 47:17
43:15,20 44:2,3	28:17	63:15 65:4	checks 9:16 11:13	containing 22:9,9
50:10 54:21 59:13	associate 2:16 30:15	billboards 15:3	12:1	24:19,24 25:4 27:6
59:16,24	30:20	body 37:12	Chicago 1:20 2:8,13	continues 42:17
agent 10:13 12:24	associated 5:1 7:10	bought 63:4	29:14,23 30:1 68:7	Contracting 25:23
13:3,6 20:21 29:4	25:10	break 6:1,3,5,6 32:1	child 19:19,22 20:1,8	41:17,20,23 42:5
agents 12:15,18,22	ASSOCIATES 2:2	41:2 46:9 55:21	Christmas 64:5,8,14	42:10,19
16:14 20:10 25:9	2:11	58:8	64:15 65:21	contractors 36:11
25:17 26:11,17,24	assume 5:16 67:15	bring 61:16,18,21	Chuck 62:6,10	50:4 52:7
36:11 50:3 55:4	attention 27:11 47:6	brought 6:14 15:18	circumstances 13:18	contributions 64:23
ago 22:24 49:12	attorney 6:23,24 7:3	Bryan 2:15 6:24	16:11 17:14 18:15	65:22
agreed 19:21	7:4 15:18 59:7	13:3	civil 1:15 4:11 37:9	control 11:19
agreements 46:20	attorneys 4:2 12:12	buffalo 16:15	53:8	conversation 19:9
ahead 47:23	12:14,17,21 20:6	bulk 40:22 41:8	clarification 64:15	convicted 31:14
al 4:6	attorney's 46:13	56:18,19 57:8	clear 6:15,16 41:3	Cook 1:18 68:4
alcohol 48:3	58:12,16,23 59:10	bumper 15:5	42:23 44:6 55:19	copies 27:12 47:5
alert 7:6	audits 63:17	business 10:13 12:14	clearest 27:16	correct 7:14,15,17
alleged 31:17	August 17:23 18:1,3	12:18,22,24 13:3,6	client 67:16	7:20 8:22 9:2,6,9
alterations 44:18	18:7,10,12,16	15:11 20:10,21	club 64:5,9,15	9:12,16,20,23 10:2
45:8 50:22	19:12,19,21 62:6	25:8,17 26:11,17	code 22:18	10:6,10,14,17,19
Amendment 8:11,14	62:10	26:24 29:4 36:10	commencing 24:14	10:22 11:1,4,7,10
58:20	authorized 57:23		commercial 39:21	11:14,17,20,23
annual 24:21	Avenue 2:8	C	55:6	12:2,6,18,22 13:1
answer 5:2,9,13,14	awaiting 31:11	C 68:2	committed 31:18	13:4,7,9 14:2,9
5:15 6:3 8:9 23:2	aware 48:22 58:22	called 1:13 61:4	communicated 22:4	15:3,8,12,15,19,24
44:6,7 48:7	59:1,4,9,12,15,19	cancer 16:18	community 14:1	16:3,6,9 17:2 18:1
answering 5:8,23	59:23	candidates 15:14,15	17:9,12,21	18:4,10,20 19:3,7
answers 5:4 49:1		captioned 4:6 6:11	compact 24:19	19:14,22 20:15,18

Joseph Ward January 8, 2010

21:1,5,8,12,15,20 22:2,6,10 23:5,11 24:2,6,10,15,21 25:1,6,11,18,24 26:7,14,20 27:1,7 28:11,15,18,23 29:2,5,8,11,14,20 29:23 30:2,6,9,12 30:16,20,24 31:5,8 31:11,15,18 33:5 33:10,14 34:11,15 34:19,23 35:3,7,11 35:15,19,22 36:1,4 36:11,17,22 37:12 38:3,8,14,18,22 39:2,5,10,13,16,21 39:24 40:5,11,18 41:13,24 42:5,10 42:14 43:1,10,16 43:21 44:6,12,19 45:2,10,15,21 46:6 46:15,18,22 47:14 47:18 50:4,23 51:5 51:11,17,24 52:8 52:13,14,19 53:3,9 53:14,19,24 54:6 54:15,23 55:6,12 56:3,9,19,24 57:9 57:18,24 58:5 60:23 Cosa 30:5 counsel 2:16 5:10 47:5,22 68:15 country 14:17,20,24 15:2,7 Countryside 2:17 County 1:18 68:2,4 course 6:9,17 7:5 26:9 42:7 61:7 court 1:1 2:12 4:3,12 5:3 15:17 37:11 38:13 43:15 Courts 1:16 cover 4:23 CRF 25:20,24 crime 30:6,15,20 49:10 criminal 37:10 48:22 53:8 CROSS 60:16 CSR 1:17 68:3,24 currently 8:4	CV 4:4 6:10 D D 2:11,12 3:1 7:3 Dale 12:9,24 Date 68:24 day 68:19 dealers 45:10 51:10 dealing 33:24 62:14 dealings 21:4 debt 37:3 53:1 decides 12:11 Decker 2:11,12 7:3 8:17,18 27:12,22 48:8 59:7 60:11 67:11,17,20 decline 8:9 defendant 1:10 2:19 7:1 defense 22:2 define 22:14 definition 22:22 23:2 deliver 33:4 delivered 33:7 demand 34:2 departed 31:24 department 2:16 12:5,17 15:22 40:24 46:14 55:19 59:5 depicted 47:10 deponent 68:7 deposition 1:13 4:10 4:24 5:10,22 6:9 6:17,23 7:5,20 8:13 22:12 23:13 27:9 42:8 47:1 60:7 68:13 deprived 41:3 descriptions 14:5 dictated 14:8 died 31:11 Diemer 2:15 6:24 13:3 60:4,6,9 digit 22:18 direct 4:17 27:11 47:6 disability 22:19 disclose 39:18 49:6 disclosed 35:6,18 36:3 38:11 39:1,8 40:2,14,21 44:15	44:23 45:5,13,19 45:24 46:2 49:15 49:20,24 50:7,13 50:20 51:2,14,20 52:3,11,17,22 53:6 53:12,17,22 54:3,9 54:13,19 55:2,9,15 56:1,6,12,16,22 57:6,13,15,21 disclosure 34:18 discounted 63:4 discussed 19:7 20:13 63:11 64:1 65:1 discussion 19:13 20:7 47:20 discussions 19:2,5 20:17 58:11 dishonest 13:19 17:16 18:17 disks 21:14 22:8 24:19,24 25:4 27:5 distribution 40:22 41:8 56:18,19 57:8 District 1:1,1,16 4:3 4:4,12,13 DIVISION 1:2 Document 47:1 documents 23:13 27:9 65:20 doing 13:18 17:15 18:16 donating 65:4 doubt 5:24 60:14 DPPA 39:16 54:23 Drive 24:9 driver 44:12 45:1 50:15 driver's 22:17,21 39:21 55:6 driving 22:20 drugs 48:3 Dugan 13:9,18,23,24 14:8,11,14,17,20 14:23 15:2,7 16:8 16:17 27:1 28:18 32:14 34:8,14,18 43:9,13,24 44:9,15 58:4 65:4 Dugan's 13:11,14 16:12 63:15,17 duly 4:15 68:10 duty 33:18,21,24	E E 3:1 27:1 28:18 34:17 43:8,12,23 44:8,15 58:4 easier 5:6 efforts 18:22,23 elected 16:19 election 15:10,17 16:6 46:14 emissions 44:17 45:7 50:22 employed 8:4,6,8 10:21 20:21 24:12 employees 14:8 19:6 21:19 26:14,19 36:11 50:3 52:7 employer 55:4 employers 26:13 employment 24:17 25:13 26:9 enforcement 38:7 43:15 59:13,16,24 Engineers 1:9 4:7 6:12 7:2 8:21 9:2 24:13 26:5 28:15 33:14 ensure 41:1 entered 33:3 entire 8:16 entity 43:19 equipment 63:15,18 et 4:6 everybody 64:7 examination 1:14 4:17,23 60:16 examined 4:15 EXAMINED_BY 3:5 Excavation 62:5,10 excess 18:3 exchange 48:12 exchanged 67:1 EXCUSED 67:21 executed 9:19 execution 38:7 exercise 8:13 exercising 5:14 58:19 Exhibit 23:14,16,17 23:21 27:10,11,19 27:21 47:1,6,8,11 66:19	EXHIBITS_MAR... 3:8 expense 9:6,19 expenses 11:20 12:2 Expiration 68:24 explain 67:16 e-mailed 27:15 F facilities 39:24 40:5 facility 40:11 55:12 fact 49:9 61:1 67:2 facts 5:1 fair 5:17,18 6:7,8 25:22 33:24 41:17 41:20,23 42:5,10 42:19 faith 33:21 fall 61:2,8 62:3 false 23:7 familiar 41:16,19 62:9 63:2,14 64:4 65:8 family 20:14 30:12 far 67:7 father 29:7 30:15,19 FBI 59:2 fear 30:23 fearful 31:8 32:20,23 federal 4:11 16:14 37:11 38:13 43:19 44:3 50:9 felony 31:14 FFC 42:8,12,14,19 43:1,18 fiduciary 33:18,21 Fifth 8:11,13 58:20 filed 7:16 finish 5:7,8 finished 37:18 first 4:15 6:18 14:13 19:9 32:3 43:3 61:1,8 62:4 68:10 five 8:3,15,23 9:3,7 9:13,17,21,24 10:3 10:7,11,15,18,20 10:23 11:2,5,8,11 11:15,18,21,24 12:3,7,10,13,16,19 12:23 13:2,5,8,10 13:13,16,20,22 14:3,6,10,12,15,18
--	---	--	--	--

Merrill Legal Solutions

Tel: (312) 386-2000

(800) 868-0061

Joseph Ward January 8, 2010

14:21 15:1,4,9,13 15:16,20 16:1,4,7 16:10,13,16,20,22 17:1,3,7,10,13,17 17:19,22,24 18:2,5 18:8,11,14,18,21 19:1,4,8,11,15,17 19:20,23 20:2,5,9 20:12,16,19,22 21:2,6,9,13,16,21 21:23 22:3,7,11,18 23:4,6,9,12 24:3,7 24:11,16,22 25:2,7 25:12,19 26:1,8,15 26:21 27:2,8 28:5 28:6,9,12,16,19,21 28:24 29:3,6,9,12 29:15,18,21,24 30:3,7,10,13,17,21 31:1,6,9,12,16,19 31:21 32:5,11,13 32:16,18,21,24 33:6,11,15,19,22 34:1,4,7,12,16,20 34:24 35:4,8,12,16 35:20,23 36:2,5,12 36:18,23 37:6,13 37:17 38:4,9,15,19 38:23 39:3,6,11,14 39:17,22 40:1,6,12 40:19 41:5,14,21 42:1,6,15,20 43:2 43:5,7,11,17,22 44:5,7,13,20 45:3 45:11,16,22 46:7 46:16,19,23 47:12 47:15,19 48:2,8,9 48:12,14,17,18,20 48:21,24 49:8,12 49:13,17,22 50:5 50:11,17,24 51:6 51:12,18 52:1,9,15 52:20 53:4,10,15 53:20 54:1,7,16,24 55:7,13 56:4,10,20 57:1,10,19 58:1,6 58:7,14,17,21,24 59:3,6,11,14,17,22 60:3,24 61:3,6,11 61:14,17,20,23 62:7,12,16,19 63:1 63:6,10,13,20,24	64:3,10,13,17,21 65:2,7,11,15,18,23 66:3,8,14,17,20,24 67:3,6,9 Floor 1:19 68:6 follow 31:4 following 6:22 31:7 32:20,23 46:11 58:10 61:8 follows 4:16 foregoing 68:11 form 9:19,22 former 21:22,24 29:4 58:3 forms 9:9,12,15 57:3 forward 25:16 Foundation 25:22 41:17,19,22 42:5 42:10,19 four 8:3 frame 7:6,9,10,11 49:3,5 Frank 29:7,10,10,13 29:16,19,19,22,22 30:8,11 31:10,10 31:13,17,20 32:3,9 32:10,23 fraud 36:21 52:19 62:6,11 Frederick 4:5 friends 26:19 66:1 front 27:19,21 functions 43:20 44:4 50:10 fund 64:14 65:21 further 68:9,13,15 furtherance 22:1	42:22 60:11 67:15 good 33:21 government 43:14 44:2 government's 16:2 Governor 21:22,24 58:3 64:23 granted 58:15 ground 4:23 grounds 8:10 Group 23:13 27:9 guess 67:12	identifying 25:10 Illinois 1:1,18,20 2:4 2:8,13,17 4:4,13 7:24 10:9 21:8,11 21:12,19 22:5 24:10,20 25:22 27:4 33:9 34:10 41:22 42:4,9,19 52:13 57:24 68:1,4 68:7 image 27:17 47:7 immunity 58:15 implemented 40:24 important 5:2,5 impounded 39:10 54:15 inaccurate 63:5 include 22:20 including 22:15 43:15 51:17 Indiana 25:22 41:22 42:4,9 indicating 23:20 indicted 30:11 individual 22:15 36:9,10 37:4 40:16 50:3 52:6 53:2 55:18 57:17 individuals 38:22 41:2 53:24 individual's 22:16 Industries 18:20,24 information 20:24 22:10,13,14,15,19 22:20 23:1 25:5,10 25:16,17 26:6,12 26:17,23 27:6 34:14,19,21,22 35:2,6,10,14,18,21 35:24 36:3,7,9,14 36:16,20 37:1,8,15 37:24 38:6,11,21 39:1,20 40:3,9,14 40:21 41:7,13 42:3 42:13,18,24 43:9 43:13,24 44:9,10 44:16,22,23,23 45:5,13,18,19,19 46:2 49:6,15,20 50:1,2,8,14,19,20 50:20 51:3,8,15,21 52:4,5,12,13,18,23	53:7,11,13,18,23 54:4,10,14,19 55:3 55:5,10,16 56:1,7 56:13,17,23 57:6 57:12,15,17,22 62:14,17 65:19 instill 30:23 instructed 19:18 26:23 34:18 insurance 39:2 54:5 54:5 Inter 8:9 interest 37:4 53:1 interested 23:21 27:18 68:17 interfere 47:24 48:4 internal 12:5 International 1:8 4:7 6:12 7:1 8:21 9:1 24:13 26:4 28:15 33:13 Internet 32:8 investigation 38:2 48:22 58:22 59:1,4 59:9,12,15,18,20 59:23 investigative 39:13 54:21 involved 15:21 32:14 34:9 38:17 involving 19:2,6 20:7 46:13 62:6,9 64:22 Iowa 25:22 41:22 42:4,9 issuance 40:17 issue 67:14 issued 10:5 11:14 12:1
G General 2:16 generally 30:8 generate 64:6 German 29:11,13,17 29:20,22 30:8,11 31:11,14,17,20 32:4,10 getting 37:21 give 65:19 given 68:11 Glen 24:10 go 47:23 67:17 going 4:23 41:2	H hand 68:19 handed 47:13,17 handing 47:3 hands 67:1 handwriting 23:10 Hanlon 2:2,3 3:6 4:1 4:1,18 6:21,23 8:19 23:15 27:14 28:1 31:23 47:3 48:10 58:7 59:8 60:4,8,11,15 64:23 66:9 67:14 headquarters 58:3 hear 9:10 65:12 heard 63:7,22 64:11 hearing 37:10 held 10:12 hereof 68:17 hereunto 68:18 hired 12:9 30:14,19 30:23 32:12 43:6 hiring 32:14 hit 29:14 30:9 holder 39:20 55:5 holders 47:16 Homer 24:9 homes 26:13 honest 17:6 18:7,10 23:5 honesty 13:12,15 Honorable 4:5	I identification 22:17 23:14 27:10 47:2 56:8 identifies 22:15 identify 6:18 26:18	J James 16:21 17:2,4,5 17:8,11,15,20 19:12 20:20 22:4 28:10,13,20,22 29:1,4,7 30:14,19 30:22 31:2,3 32:12 32:14,17,20 34:21 35:1,5 49:19,23 50:6,12,18 51:1,7 51:13,19 52:2,6,10 52:17,21 53:5,11	

Joseph Ward January 8, 2010

53:16,21 54:2,8,12 54:18 55:1,8,14,22 55:24 56:5,11,15 56:21 57:2,5,11,14 57:20 January 1:19 7:8 42:16 49:2,2 68:5 68:19 Jean 2:7,7 7:2 31:24 60:15,18 Jim 10:19,21,24 11:3 11:6,9,12,13,16 28:22 Jimmy 29:2 job 14:4 43:3 Joliet 2:17 Joseph 1:13 3:4 4:9 4:14,21 6:14 7:4,4 68:7,9 Judge 4:5 7:19 judgments 38:8	39:19 40:8,13,20 41:6,10,15 42:2,17 42:23 43:8,12,18 43:23 44:8,14,21 45:4,12,17,23 46:1 46:8 49:19,23 50:6 50:12,18 51:1,7,13 51:19 52:2,10,16 52:21 53:16,21 54:2,8,12,17,18 55:1,8,14,22,23,24 56:5,11,15,21 57:2 57:5,11,14,20 63:3 63:9 65:14 knowledge 53:5 known 14:11 16:23 28:22 29:10,19 30:15,19 31:10	lived 8:1 local 1:8 2:16 4:6,8 4:11 6:11,13 7:1 8:20 9:1,8,11,15 9:15,20 10:1,5,8 10:13,21 11:14,22 12:1,4,8,14,18,21 12:24 13:3,6 14:4 14:9 15:11,23 16:9 18:23 19:6 20:6,13 20:23 21:3,7,12,17 22:1,6,8,24 24:12 24:17,23 25:3,13 25:17 26:2,4,10,11 26:16 27:3 28:14 29:5 30:14,18 32:12 33:1,8,13,18 33:20,23 34:5,9 35:9,13,17 36:6,13 36:19,24 37:7,11 37:14,23 38:5,10 38:13,16,20,24 39:4,7,12,15,18,23 40:2,7,8,13,20 41:6,10,24 42:2,12 42:17,24 43:4,20 44:3,21 45:4,12,17 45:23 46:1,8,15,18 46:21 48:11 49:5 50:3,10 52:6,7,16 58:4 61:24 64:6 locate 26:13 32:9 long 8:1 14:11 16:23 41:1 look 23:17 lunch 62:21,23 Lydia 1:17 68:3	41:9 56:24 57:8 Maryland 16:15 matters 44:11 45:1 50:15 60:1 mean 6:10 22:13 30:2,5 42:9 61:24 meaning 14:19 meant 64:14 medical 22:19 meet 61:5 meeting 61:8 62:3,4 62:13,18,21,24 meetings 61:12,15 61:22 66:22 MELISA 1:4 member 20:14 29:23 members 33:18,21 33:24 63:5,8,23 65:12 Merryman 1:4 2:10 4:9 6:15 7:3 21:15 33:4,8 34:3,6 47:14,18 60:19,22 61:9,13,18 62:4,5 62:10,13 63:12 64:2,19 65:1,3,16 65:19,24 66:13,16 66:22 67:2 met 14:13 31:20 61:1 61:4,9 64:19 65:17 methods 40:24 microfiche 24:19 27:5 mileage 63:5 Miller 10:19,21,24 11:12,13,16 22:4 28:11,13 Miller's 11:3,6,9 mind 5:24 32:1 minute 58:8 mob 30:2,4 moment 22:24 32:2 monetary 21:18 money 9:22 11:20 22:1 58:4 64:8 monitoring 45:9 51:4 motion 7:16 motor 10:9 11:17 20:24 22:9,10 23:1 24:20,24 25:5,16 26:6,12,18,24 27:6	34:9,14,19,22 35:2 35:6,10,14,18,22 35:24 36:4,7,14,20 37:1,4,8,15,24 38:12,21 39:8,19 40:15,23 41:7,12 42:3,13,18,24 43:9 43:13,24 44:10,11 44:16,17,24 45:1,6 45:7,9,9,14,14,20 45:24 46:3,5 49:7 49:11,16,20 50:8 50:14,15,21,21,22 51:3,4,8,10,15,16 51:21,23 52:4,12 52:23 53:2,13,18 53:23 54:4,10,20 55:3,10,16,18,18 56:1,7,13,17,23 57:6,15,22 murders 31:18
K K 68:2 Kapala 4:5 Kenwood 2:8 kidnap 19:19,21,24 20:4,7 kind 41:1 60:13 know 5:20,24 6:1 10:19 11:6,16 13:9 13:23,24 14:4,22 16:17,21 17:2,8,20 17:23 18:1,3,19,23 20:10,20 21:22 22:4 25:20 28:20 29:16 32:17 33:1 37:21 48:5 60:23 63:18,21 67:8 knowing 30:14,19 knowledge 9:4,8,11 10:8 12:20 15:5 16:17 20:23 21:3 21:17 24:8,23 25:3 25:8,15,21 26:3,11 26:16,22 27:3 30:18,22 31:3,13 32:7 34:8,13,17 35:1,5,9,13,17 36:6,13,19,24 37:7 37:14,23 38:5,10 38:16,20,24 39:4,7	L Labor 15:19,22 46:14 59:5 laborious 37:21 Labor's 15:23 late 64:20 law 2:2,7 12:5,17 43:15 59:13,16,24 laws 57:23 lawsuit 5:1 6:10 46:13 60:20 62:5,8 62:9,15 lawsuits 46:15,17,21 Leach 24:9 lead 49:9 learn 32:3,6 learning 19:24 left 31:22 legal 2:16 37:2 52:24 legitimate 12:2 license 25:11 36:16 39:21 55:6 licensed 39:12,15 54:21,22 65:9 likewise 6:1 limited 7:11 Linda 23:5,7,10,18 23:22 24:1,4,5,8 24:12,17,18 25:9 25:15 26:3,22 listed 63:17 litigation 38:2 little 42:21	M Maclean 2:7 7:2 Madison 1:20 68:6 Mahoney 7:19 man 29:14 30:9 manager 15:11 manner 41:4 manufacturers 46:5 51:24 Mark 13:6 marked 23:13 27:9 47:1 market 45:15 51:16 marketing 40:23	53:16,24 57:8 Maryland 16:15 matters 44:11 45:1 50:15 60:1 mean 6:10 22:13 30:2,5 42:9 61:24 meaning 14:19 meant 64:14 medical 22:19 meet 61:5 meeting 61:8 62:3,4 62:13,18,21,24 meetings 61:12,15 61:22 66:22 MELISA 1:4 member 20:14 29:23 members 33:18,21 33:24 63:5,8,23 65:12 Merryman 1:4 2:10 4:9 6:15 7:3 21:15 33:4,8 34:3,6 47:14,18 60:19,22 61:9,13,18 62:4,5 62:10,13 63:12 64:2,19 65:1,3,16 65:19,24 66:13,16 66:22 67:2 met 14:13 31:20 61:1 61:4,9 64:19 65:17 methods 40:24 microfiche 24:19 27:5 mileage 63:5 Miller 10:19,21,24 11:12,13,16 22:4 28:11,13 Miller's 11:3,6,9 mind 5:24 32:1 minute 58:8 mob 30:2,4 moment 22:24 32:2 monetary 21:18 money 9:22 11:20 22:1 58:4 64:8 monitoring 45:9 51:4 motion 7:16 motor 10:9 11:17 20:24 22:9,10 23:1 24:20,24 25:5,16 26:6,12,18,24 27:6	N N 3:1 name 4:1,19,20 6:19 22:17 60:18,22 names 26:13 narrow 7:6 need 6:1 32:1 46:9 58:7 needed 9:18 62:14 never 34:2 nicknames 18:12 non-owner 46:4 51:22 Northern 1:1 4:4,12 Nostra 30:5 Notary 1:17 68:3,22 note 6:5 notice 1:14 39:9 54:14 56:14 number 4:4 6:10 22:16,17,18 numerous 31:18
				O O 68:2,2 objection 5:11,11,12 objectives 20:14 observed 13:18 17:15 18:16 obtain 9:5 22:1

Merrill Legal Solutions

Tel: (312) 386-2000

(800) 868-0061

Joseph Ward January 8, 2010

25:15 36:20 39:18 41:12 42:3,17 49:6 55:5 obtained 20:24 21:7 21:11 22:8 23:1 34:5,14,22 35:10 35:21 36:14 37:1 37:24 38:6,11 39:1 39:8 40:2,14,21 41:6,11 42:12,24 43:9,13,24 44:9,15 44:22 45:5,13,18 45:24 46:2 49:15 49:19,24 50:7,13 50:19 51:2,8,14,20 52:3,11,17,22 53:6 53:12,17,22 54:3,9 54:13,19 55:2,9,15 55:24 56:6,12,16 56:22 57:5,12,12 57:14,21 58:4 obtaining 34:9 36:15 occasion 11:12 26:4 occur 61:12 occurred 19:10 61:15 October 25:1 33:5 33:12,16,17,20,23 66:23 offer 62:17 offered 48:11 office 2:7 21:24 22:5 25:20,24 33:9 34:11 46:13 52:14 58:12,16,23 59:10 68:19 officers 19:6 offices 2:2 41:23,24 officials 61:21 okay 7:13 8:17 28:8 37:20 49:5 58:8 ones 27:15 operate 39:23 Operating 1:9 4:7 6:12 7:2 8:21 9:1 24:13 26:5 28:15 33:13 operation 30:12 40:4 40:10 55:11 operator 56:2 operator's 40:17 opinion 13:11,14	17:4,5 18:6,9 opportunity 41:3 opposing 5:10 47:5 ordered 7:19 10:9 orders 38:8 organization 54:6 organize 18:24 organized 30:5,15 30:20 organizer 10:17 original 27:17 46:4 51:23 originally 21:11 outcome 68:17 outfit 29:14,23 30:1 outside 27:17 owe 33:16,17,20,23 owner 37:4 41:11 46:5 51:23 56:8 owners 39:9 54:15 57:4 <hr/> P P 2:15 packet 27:14 page 3:5,8 28:3 paid 62:20,23 paint 65:4 painted 65:6 painters 65:4 paragraph 8:16 Pardon 9:10 27:20 41:18 47:9 62:22 part 27:18 particular 13:17 17:14 18:15 66:23 parties 26:20 68:16 parts 45:9 51:10 party 4:8 6:13 46:15 patience 37:22 Paulus 13:6 paused 37:20 payment 9:5 11:20 27:4 payments 21:18 PC 2:2 pending 4:3 6:2,4 58:22 59:1,4,19,20 59:23 62:5 people 61:16 64:11 performance 45:8 51:4	period 7:7 49:2 permits 40:17 56:3 permitted 39:16 54:23 person 5:5 6:18 23:5 44:2 personal 9:4,8,11 10:8 12:20 15:5 20:23,24 21:3,17 22:9,13 23:1 24:8 24:23 25:3,5,8,10 25:14,15,21 26:3,5 26:12,16,17,22,23 27:3,6 30:18,22 31:3,13 32:7 34:8 34:13,14,17,18,21 34:22 35:1,2,5,6,9 35:10,13,14,17,18 35:21,24 36:3,6,7 36:8,13,14,15,19 36:20,24 37:1,7,8 37:14,15,23,24 38:5,6,10,11,16,20 38:21,24 39:1,4,7 39:19 40:3,8,8,13 40:14,20,21 41:7 41:10,12,15 42:2,3 42:13,16,17,23,24 43:8,9,12,13,23,24 44:8,9,10,14,16,21 44:22,22,23 45:4,5 45:12,13,17,18,18 45:19,23 46:1,2,8 49:6,15,18,20,23 49:24 50:2,6,7,12 50:13,18,19,19,20 51:1,2,7,8,13,14 51:19,20 52:2,3,5 52:10,11,16,18,21 52:22 53:5,6,11,12 53:16,17,21,22 54:2,3,8,9,12,13 54:18,19 55:1,2,8 55:9,14,15,23,24 56:1,5,6,11,12,15 56:16,21,22 57:2,5 57:6,11,12,13,15 57:20,21 63:2,9 65:5,13 66:1 personally 63:16,22 64:4 65:8 68:8 personnel 20:13	persons 6:22 pertains 57:18 photograph 22:16 phrase 15:2,7 pictured 66:18 Pierson 12:9,24 Pinkawa 1:17 68:3 place 66:21 placed 15:6 plaintiff 2:10 6:24 plaintiffs 1:6,14 2:5 4:2 7:16 plates 25:11 36:16 please 4:19 5:20,24 plot 19:24 20:4,7 Plymouth 2:12 point 12:8 32:6 political 64:22 65:21 position 10:13,16 15:10 25:14 26:10 positions 15:15 possession 21:10 present 2:1 6:22 19:2,5,13 20:6,17 58:2 preserve 5:11 president 11:1 15:11 16:8,19 28:14,18 preventing 36:21 52:19 previously 8:6,8 31:14 46:12 prior 8:21 44:7 47:8 47:11 private 39:12,23 40:4,10 43:19 54:21,21 55:11 privilege 5:14 8:10 58:20 privileges 8:14 Procedure 1:16 4:11 procedures 9:5 40:24 proceeding 53:9 proceedings 46:11 58:10 process 38:1 producing 53:19 product 44:18 45:7 Professional 18:19 18:24 prohibit 41:4	prolific 14:22 property 65:6 prosecuted 49:10 prosecution 58:19 provide 7:7,9 26:23 56:14 provided 21:14,18 21:18 55:19 providing 38:18 39:9 54:14 Public 1:17 68:3,22 publication 14:23 purpose 31:7 36:15 36:21 37:2 38:6 39:16 50:21 52:18 54:22 56:17 57:7 57:16 purposes 38:1 39:2 pursuant 1:14,15 4:10 38:13 pursuing 37:2 52:24 p.m 1:19 46:10 58:9 68:6,14 <hr/> Q question 5:3,7,9,13 5:15,16,19,23 6:2 6:3,4 7:10 42:21 44:7 48:5 66:6 questions 5:1 7:6 60:5,9,13 66:10 67:10,11 quite 66:9 <hr/> R raffles 65:8 raid 16:14 raise 5:11 60:12 64:7 ran 15:10 ranch 16:15 63:16 rates 63:4 read 14:16 23:19 reason 51:3 reasonable 6:5 recall 14:13 66:12,13 recalls 44:18 45:8 50:23 received 24:19,24 25:4 27:5 33:8 57:3 recess 46:10 58:9 recite 8:16
--	---	--	--	--

Joseph Ward January 8, 2010

recognize 11:9 28:8	55:17	seal 68:19	software 24:20	subject 15:17 63:7
record 4:20 5:4,12	requested 10:5 11:13	search 32:8	sold 63:4	63:11 65:17
6:7,21 31:23 41:12	11:16	searchable 24:24	solely 7:11	submitted 36:9,10
47:20 53:2 55:3	requesting 9:15	25:4	solicitations 40:23	50:2 52:6
68:11	requests 10:1	secretary 10:10	41:9 56:24 57:9	subpoena 1:15 7:13
records 10:9 11:17	required 5:13	15:19,23 21:4,8,12	somebody 60:22,23	47:4,5
21:1 22:9,10 23:2	requisition 9:9,12	21:19 22:5 27:4	somewhat 37:21	Suite 2:12
24:20 25:1,5,16	research 38:17 45:15	33:9 34:10 52:14	son 20:11	supervised 16:5
26:6,12,18,24 27:7	45:21 51:16,17	Secrets 30:12	Soria 23:5,7,18,23	supervision 24:18
34:10,15,19,23	53:14	security 22:16 37:3	24:9,12,18 25:9,15	support 54:6
35:3,7,11,15,19,22	reside 7:22	39:15 53:1 54:22	26:3,23	supposed 12:1
36:1,4,8,15,21	resides 24:9	see 28:3,6,7	Soria's 23:10 24:1,5	sure 42:23
37:2,9,16 38:1,12	resignation 16:12	seeking 16:18	24:5,17	surrounding 16:12
38:21 39:8,19	respect 46:21 58:19	seen 11:3 14:16	sorry 11:12 13:23	survey 45:20 51:17
40:15 41:7 42:4,13	59:10,13	23:10 47:7,10	25:20 26:2 31:3	surveys 40:22 41:8
42:18 43:1,10,14	respects 24:2	self 54:11	33:17 36:9 37:19	56:19 57:8
44:1,10,16,24 45:6	response 40:16	self-incrimination	48:16 56:18 64:14	Sweeney 16:21,24
45:20 46:3,4,5	55:17	8:10	66:12	17:2,6,15,20 19:12
47:4 49:7,11,16,21	rest 42:7	self-insured 39:5	South 2:8,12 7:23	19:18 34:22 35:2,6
50:8,21 51:3,9,15	restate 42:22	self-regulated 37:12	24:9	49:14,19,24 50:7
51:21,22,23 52:4	restaurants 61:12	September 24:14	Speak 5:5	50:13,19 51:2,8,14
52:12,23 53:13,18	return 6:6 34:3	64:20	specifically 57:23	51:20 52:3,7,11,17
53:23 54:4,10,20	review 23:22	series 4:24	speculation 58:18	52:22 53:6,12,17
55:10,16,18 56:2,7	reviewed 10:1 11:22	served 7:13 10:16	spell 4:20	53:22 54:3,9,13,18
56:13,17,23 57:7	right 50:16 61:5,10	28:17	spouse 26:18	55:2,9,15,22,24
57:16,22	66:5 67:5,8,17	service 39:15 54:22	SS 68:1	56:6,12,16,22 57:3
recovering 37:3 53:1	rings 60:22 62:8	services 18:19,24	state 1:18 4:19 10:10	57:5,12,14,21
refer 23:15	River 7:23	56:18	21:4,8,12,20 27:4	Sweeney's 17:4,8,11
referred 25:23,24	road 2:17 7:23 15:6	serving 38:1	37:11 38:13 43:19	sworn 4:15 68:10
29:1	39:24	set 68:18	44:3 50:9 57:24	
reflect 31:23	Rob 27:13	settled 16:2 46:17	65:10 68:1,4	T
regard 58:12 59:20	Robert 1:3 2:2,3,6	settlement 46:20	statement 14:23	T 2:2,3
registrations 40:18	4:1 6:23	shipped 63:15	statements 11:22	take 6:5 8:15,23 9:3
56:8	roles 14:8	Shorewood 7:23	States 1:1,16 4:3,12	9:7,13,17,21,24
regularly 24:18	room 31:22,24 33:3	short 46:9	state's 22:5 33:9	10:3,7,11,15,18,20
related 9:19 53:2	rules 1:15 4:11,11,23	show 9:22	34:11 52:14 59:7	10:23 11:2,5,8,11
59:16,18 68:16	run 36:16	shown 47:8	59:10	11:15,18,21,24
relating 20:14 39:20	running 15:14	sign 14:16 23:7	statistical 38:18	12:3,7,10,13,16,19
55:5	Ryan 21:22,24 58:3	signature 11:3,6,9	53:19	12:23 13:2,5,8,10
relationship 66:4,7	64:23	24:4,5 28:2,4,6,8	status 22:21	13:13,16,20,22
remedies 37:3 52:24		28:10,10 67:15,16	stickers 15:6	14:3,6,10,12,15,18
removal 46:4 51:22	S	signs 15:6	stopped 10:4	14:21 15:1,4,9,13
renewal 40:17 56:2	safety 44:12 45:2	similarly 1:5	Street 1:20 2:3 68:6	15:16,20 16:1,4,7
repetition 14:1	50:15	simply 42:8	strike 11:13 13:23	16:10,13,16,20,22
rephrase 37:20	scheme 64:6	sites 36:17	17:5 18:9,22 25:21	17:1,3,7,10,13,17
reporter 5:3	school 20:11	situated 1:5	26:2 32:7,8 33:2	17:19,22,24 18:2,5
reports 38:18 53:19	Schweih's 20:20	slate 15:15	33:17 40:7 41:9,16	18:8,11,14,18,21
represent 60:19	28:20,22,23 29:1,4	Snyder 2:7,7 3:7 7:2	45:24 46:9 48:16	19:1,4,8,11,15,17
reputation 13:12	29:7,7,10,19,22	31:22,24 33:3	54:11,17 55:20,23	19:20,23 20:2,5,9
17:8,11,21	30:14,19,23 31:2,4	60:10,13,17,18	56:14 57:4,13	20:12,16,19,22
reputed 29:13,23	31:10 32:10,12,15	67:10	59:19	21:2,6,9,13,16,21
request 26:5 40:16	32:17,20,23	social 22:16 66:4,7	stuff 67:18	21:23 22:3,7,11

Merrill Legal Solutions

Tel: (312) 386-2000

(800) 868-0061

Joseph Ward January 8, 2010

23:4,6,9,12,17 24:3,7,11,16,22 25:2,7,12,19 26:1 26:8,15,21 27:2,8 28:5,6,9,12,16,19 28:21,24 29:3,6,9 29:12,15,18,21,24 30:3,7,10,13,17,21 31:1,6,9,12,16,19 31:21 32:5,11,13 32:16,18,21,24 33:6,11,15,19,22 34:1,4,7,12,16,20 34:24 35:4,8,12,16 35:20,23 36:2,5,12 36:18,23 37:6,13 37:17 38:4,9,15,19 38:23 39:3,6,11,14 39:17,22 40:1,6,12 40:19 41:5,14,21 42:1,6,15,20 43:2 43:5,7,11,17,22 44:5,7,13,20 45:3 45:11,16,22 46:7 46:16,19,23 47:12 47:15,19 48:2,8,9 48:14,18,21,24 49:8,13,17,22 50:5 50:11,17,24 51:6 51:12,18 52:1,9,15 52:20 53:4,10,15 53:20 54:1,7,16,24 55:7,13 56:4,10,20 57:1,10,19 58:1,6 58:14,17,21,24 59:3,6,11,14,17,22 60:3,24 61:3,6,11 61:14,17,20,23 62:7,12,16,19 63:1 63:6,10,13,20,24 64:3,10,13,17,21 65:2,7,11,15,18,23 66:3,8,14,17,20,24 67:3,6,9 taken 1:17 4:10 5:22 6:6 19:6 46:10 58:9 talk 62:4 63:23 64:12 65:3,12,16 talked 64:18 65:21 Tammy 1:3 2:6 4:6 6:11 19:3,7,10,13	19:21,24 20:3,7,11 20:14 30:24 31:4,7 telephone 22:18 tell 7:22 12:8,11 13:17 16:11,23 17:4,5,11,14 18:6 18:9,12,15,22,22 19:9,16 34:5 43:3 48:16,19 ten 18:3 tendered 34:6 term 6:10 22:13,14 30:1,4 terminated 68:14 testified 4:16 testify 7:19 68:10 testifying 49:11 testimony 7:14,17 48:1,4 58:13 59:20 60:1 68:11 thank 37:22 42:12 theft 44:12 50:15 thing 23:19 55:20 57:4 things 21:18 48:6 65:5,20 third 4:8 6:13 26:19 Thomas 2:10,11,12 4:9 6:14 7:3,3 21:14 33:4,7,16 34:2,6 47:14,17 60:19 three-quarters 28:3 time 4:13 5:5 6:5 7:6 7:7,9,10,11 9:14 9:18 12:8 14:7 32:6 47:3 49:3,5 61:16,16 63:12 times 61:9 64:19 65:17 Timothy 1:3 2:6 tired 67:12 title 56:8 titles 40:17 today 47:8,11 48:1,3 48:4,13,17 58:13 58:20 59:21 60:2 told 60:19 toll 39:23 40:4,10 55:12 tons 67:11 topic 64:18 66:13	towed 39:10 54:15 transcribe 5:6 transportation 39:24 40:5,10 55:12 treasurer 8:20,24 9:14 10:12 11:19 12:4 14:7 25:14 26:10 33:12 trial 31:11 trick 5:23 true 19:18 24:1 49:14,18 58:2 68:11 truth 14:1 17:9,12 17:21 try 5:8,22 20:3 turned 64:7 two 21:7,10 33:5,7 47:7,7,10,13,16 61:7 66:10,16	51:21 52:12,23 53:7,14,18 54:4,5 54:10,14,20 55:3,4 55:10,16,17 56:2,7 56:13,23 57:7,16 57:22 63:16 65:5 uses 9:9,12 U.S. 8:11 15:18,22 46:13 58:12,16,23 59:5	wait 5:7,8 waive 67:15,20 want 23:19 47:21 wanted 60:12 Ward 1:13 3:4 4:9 4:14,21,22 6:14 7:4,4 8:12 46:12 47:21 58:11 60:18 66:12 68:7,9 warn 20:3 Washington 2:3 Wasn't 16:14 way 28:3 week 64:8 weren't 65:9 West 1:20 68:6 WESTERN 1:2 We'll 67:20 we're 67:12 we've 65:20 whereof 68:18 wife 16:18 32:19,22 William 27:1 28:18 34:13,17 43:8,12 43:23 44:8,15 49:14 58:4 wish 8:13 witness 3:3 47:4 48:7 67:19,21 68:12,18 won 15:15 Woodstock 2:4 words 7:7 8:15,15 14:20 written 57:3 W-a-r-d 4:21				
V								
value 21:19 48:12 various 25:11 vehicle 10:9 11:17 20:24 22:9,10,20 23:1 24:20 25:1,5 25:16 26:6,12,18 26:24 27:6 34:10 34:15,19,23 35:2,7 35:10,14,18,22 36:1,4,8,14,21 37:1,5,9,16,24 38:12,21 39:8,19 40:15,23 41:7,12 42:4,13,18 43:1,10 43:14 44:1,10,12 44:16,17,17,24 45:1,6,7,7,9,14,20 45:24 46:3,5 49:7 49:11,16,20 50:8 50:15,21,22,22 51:3,9,10,15,16,21 51:23 52:4,12,23 53:2,13,18,23 54:4 54:10,20 55:3,10 55:16,18,19 56:1,7 56:13,17,23 57:7 57:15,22 vehicles 39:10 45:9 45:14 50:14 51:5 54:15 veracity 14:1 17:9 17:12,21 verbally 5:3 verify 36:8 39:20 50:1 52:5 55:5 violations 22:21 violent 32:17 vs 1:7 4:6,8 6:11					U			
unclear 42:21 understand 5:19 7:9 14:19 22:21 30:2 42:9 49:3 60:20 62:1 understood 5:16 30:5 Unethical 13:21 17:18 union 1:9 4:7 6:12 7:1 8:21 9:1,6,19 11:20,20 12:2 24:13 26:4 28:15 33:13 61:21,24 63:5,8,17,18,22 64:5 65:4,9,12 67:7 unions 63:3 Unit 2:3 United 1:1,16 4:3,12 USDOL 16:5 use 6:10,18 22:13 26:11,17 30:1 38:12 39:9,18 40:3 40:9,15,22 41:4,8 42:8 43:14 44:1,1 44:11,17,24 45:6 45:14,20 46:3 49:6 50:1,8,14 51:9,15					X			
X 3:1								
Y								
years 8:3 9:1 18:4 49:12 61:7 yesterday 27:16								
Z								
ZIP 22:18								
0								
08 4:4 6:10 08-cv-50015 1:7 084-002342 68:24								
W								

Joseph Ward January 8, 2010

1	2005 7:8 25:1 49:3	8 1:19 68:5		
1 3:9 23:14,16,18,21	2006 24:15 33:5,12	815 2:4		
1:10 1:19 4:13 68:5	33:16,17,20,23			
10 33:5	61:2,8 62:3 64:20	9		
139 26:4	66:23	922-4180 2:13		
14212 2:3	2007 8:22			
150 1:8 2:16 4:6,8	2008 42:16 64:20			
6:11,13 7:1 8:21	2010 1:19 68:5,20			
9:1,5,8,11,15,15	2011 68:24			
9:20 10:2,6,8,13	206-2200 2:4			
10:21 11:14,23	20923 7:23			
12:1,4,9,14,18,21	21 49:2			
12:22 13:1,4,7	23 3:9			
14:4,9 15:11,23	27 3:10			
16:9 18:23 19:6	285-5100 2:9			
20:13,23 21:7,12	3			
21:17 22:1,6,8,24	3 24:14			
24:12,18,23 25:3	30 24:14			
25:13,17 26:2,10	31 68:24			
26:11,17 27:3	312 2:13			
28:14 29:5 30:14	321 2:12			
30:18 32:12 33:1,8	34th 1:19 68:6			
33:13,18,20,23	4			
34:5 35:9,14,17	4 3:6,10 27:10,11,19			
36:6,13,19,24 37:7	27:21			
37:15,23 38:6,11	47 3:11			
38:16,20,24 39:4,7	4845 2:8			
39:12,15,18,23	5			
40:2,7,8,13,20	5 3:11 47:2,7,8,11			
41:6,10,24 42:3,12	66:19			
42:17,24 43:4	50015 4:5 6:11			
44:21 45:5,13,17	579-6663 2:18			
45:23 46:1,9,15,18	6			
46:21 48:11 49:5	60 3:7			
50:3 52:6,16 58:4	60098 2:4			
61:24	60404 7:24			
150's 20:6 21:3 34:9	60525 2:17			
52:7	60604 2:13			
1500 2:12	60615 2:8			
16 8:24	6140 2:17			
16152 24:9	7			
18th 68:19	7th 7:8 49:2			
1993 24:14	70 1:20 68:6			
2	708 2:18			
2:05 46:10	773 2:9			
2:14 46:10	8			
2:30 58:9				
2:35 58:9				
2:47 68:14				
2003 7:8				
2004 25:1 49:2				

Merrill Legal Solutions

Tel: (312) 386-2000

(800) 868-0061

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

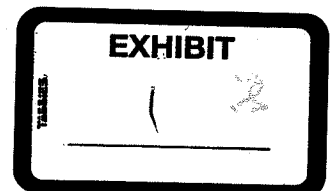
Tammy Barker, <i>et al</i>)	
)	
v.)	CASE NO.
)	
)	Judge
Local 150, International Union)	
Of Operating Engineers, AFL-CIO)	Magistrate
)	
Defendant.)	

AFFIDAVIT OF LINDA SORIA

I, Linda Soria, being first duly sworn, under penalties as provided by law, certify that I have reviewed the statements contained in this Affidavit; that I have personal knowledge of the facts stated herein; that if called as a witness in this proceeding, I could competently testify to the facts stated in this affidavit; and that the statements contained in this affidavit are true and correct, except as to any matters stated to be on information and belief, and as to those matters I certify that I verily believe them to be true.

- 1) I reside at 16152 South Leach Drive, Homer Glen, Illinois 60491.
- 2) I was employed by Local 150, International Union of Operating Engineers, AFL-CIO (hereinafter "Local 150") commencing May 3, 1993 and ending September 30, 2006 or thereabouts.
- 3) During my employment with Local 150, I regularly received microfiche and/or compact disks containing software and Illinois motor vehicle records on an annual or bi-annual basis. Local 150 received computer searchable disks containing motor vehicle records in October 2004 and in 2005.
- 4) The output from the searchable CD referenced above and microfiche data contain the following information:

a. Plate number	e. Vehicle Identification Numbers
b. Expiration	f. Owner's Name
c. Reference number	g. Owner's Address
d. Type of Vehicle	h. Owners Drivers License Number
- 5) During my employment with Local 150, business agents would call me and ask for identifying personal information associated with various license plates. In each instance they would provide a license plate number.
- 6) During my employment with Local 150, I would check the microfiche or open the software and look up the license plate number. When I could not find the identifying personal information for a given license plate, I would also call or email the CRF office. The CRF Office would then check the Lexis-Nexis database to see if the information was available and if it was, send it to me. I would obtain personally identifying information on Wisconsin license plates by



calling the Local 139, International Union of Operating Engineers, AFL-CIO. I would then provide the personally identifying information to the Local 150 Business Agent that requested it.

7) During the course of my employment, I learned that Local 150 Business Agents would use the personal information provided from the motor vehicle records to locate homes of employers, names and address of employees, identity of a given employee's spouse and friends even though it was supposed to be used to monitor construction jobs.

8) Providing license plate information to Local 150 Business Agents was a secondary part of my job.

9) 2005 was the last year in which Local 150 obtained motor vehicle records from the Illinois Secretary of State. In 2006, the Secretary of State's office would not provide any further motor vehicle records.

10) I was originally instructed to provide personal information listed above in paragraph 4 above to Local 150 Business Agents by William E. Dugan, who is personally known to me to be the President and Business Manager of Local 150, International Union of Operating Engineers, AFL-CIO.

11) Local 150 made payment to the Illinois Secretary of State for the microfiche and the computer disks received by it, containing motor vehicle records.

12) I recall providing personally identifying information from license plates to the following Local 150 employees during my employment at Local 150 as part of my ordinary work:

- a. Mike Aprile;
- b. Joe Farrell;
- c. Jim Schweihs;
- d. Nicholas Cline;
- e. Thomas Rottman;
- f. Ryan Drew; and
- g. Charles August.

13) This affidavit is not intended to be a complete account of all matters known to me and was prepared for the limited purpose of enumerating the facts contained herein.

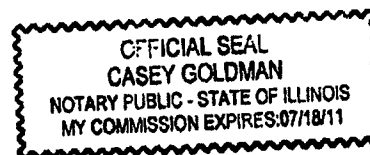
Affiant Further Sayeth Naught.

Linda Soria

Linda Soria

Subscribed and Sworn to before me this
11th day of January, 2008

[Signature]
Notary Public





INTERNATIONAL UNION OF
OPERATING ENGINEERS
LOCAL 150
Joliet, Illinois

Amalgamated Bank of Chicago
Joliet, Illinois

10905

DATE
03/24/03

AMOUNT
*****500.00*

PAY TO THE ORDER OF
HUNDRED DOLLARS AND TWO CENTS

SECRETARY OF STATE

AMOUNT: 0000

James J. Miller

ED: dated 03/24/03

MEMORANDUM: 01-SECST

11040521 100100010511 1500199211

Dear Mr. Strocher:

AL901

PERIOD: 19/03/02-01/30

500.00 EKN

Local 150 requests to purchase the most current Interliche set. Registration - used to locate listings by plate number. Enclosed is the completed application and appropriate fee.

Please mail the set to:

Jim Miller, Assistant to the President
IUOE Local 150
6200 Joliet Road
Countryside, IL 60525

If you need to contact me, my phone number is 708/422-8800. Thank you for your help with this matter.

Sincerely,

James J. Miller

James J. Miller
Assistant to the President

JJM/ls

enclosure

sent via US certified mail # 7003 0500 0002 3147 9676

EXHIBIT

4

AGREEMENT FOR PURCHASE BY

THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 150

TO THE SECRETARY OF STATE
COMPUTER-STORED INFORMATION

This Agreement made this 2nd day of June, 2008, between Jesse White, Secretary of State of Illinois, in his official capacity and not as an individual, hereinafter known as the Secretary, and the International Union of Operating Engineers Local 150

known as the Purchaser, hereinafter

known as the Purchaser.

Purchaser applies to pay from the Secretary and the Secretary agrees to sell to the Purchaser information from the Secretary's computer files, said information being

vehicle registration information (plate number sequences)

Purchaser agrees to pay all applicable statutory fees, in effect and currently prescribed by 625 ILCS 6/2-123 of the Illinois Vehicle Code entitled "Sale and Distribution of Information" and 92 Ill. Adm. Code 1002.60. The actual cost of said information is to be specified in a separate communication between the parties determined when the Secretary has completed the requested work, payable to the Secretary before delivery of the information to the Purchaser. Payment shall be in cash, certified check, money order or company check.

The information shall be furnished to the Purchaser on a computer accessible media as prescribed by the Secretary and furnished by the Purchaser to the Secretary for transference from the Secretary's computer files. Purchaser shall pay all postage and handling costs for the transfer of the media to and from the Secretary.

The Purchaser pursuant to Section 2-123(c-1) of the Illinois Vehicle Code (625 ILCS 6/2-123(c-1)) shall disclose the intended use of the information purchased and the Purchaser agrees that it shall, prior to using, reselling, furnishing, or otherwise making available driver's vehicle or title lists or to using those lists to update, enhance or verify any information, remove from the list purchased all names and addresses and other personally identifiable information of all persons who request pursuant to Section 2-123 (c-1) of the Illinois Vehicle Code that their personally identifiable information not be used for commercial solicitation purposes (625 ILCS 6/2-123(c-1)).

to check plates of cars similar to ones on

Requests to the Secretary from individuals or the court requesting that specified names not be used will be honored by the Secretary and will not be included in the listing provided.

It is further agreed that the information, lists, names and other material provided by the Office of the Secretary of State hereunder shall not be made available to other persons, firms, corporations, partnerships or other legal entities. The Purchaser further agrees that it shall not engage in any method, act, or practice which is unfair or deceptive in the use of this list or in violation of the published rules of the Office of the Secretary (92 Ill. Adm. Code 1002).

Should the information contained herein be exchanged with or sold to another person, firm or corporation for other information or lists, such shall constitute a material breach of this Agreement and all information previously received by the Purchaser shall be returned to the Office of the Secretary. No money paid to the Secretary shall be refunded. A material breach of the Agreement by the Purchaser shall result in no further information being sold to the Purchaser by the Secretary for a term of 5 years from the date of the breach (92 Ill. Adm. Code 1002.60).

9. In no case shall any refund or any purchase price be given by the Secretary of State's Office, once the Secretary of State's Office has completed the work contracted for by contractor and presented the information as the contractor.
10. Purchaser agrees that any information received pursuant to this agreement will not be used to establish a competing service to that offered by the Secretary of State's Office as specified in Section 2-123 of the Illinois Vehicle Code (625 ILCS 5/2-123) which is more specifically described as the sale of registration and title or license information to any member of the public who pays the statutory fee for obtaining that information. This provision shall not be waived. Purchaser may use the information obtained to update data, compile statistical data, and other purposes which are not gainable as commercial solicitation or which are not in violation of or in direct competition with the Office of the Secretary of State's sale of information procedures.
11. In witness whereof, the parties hereto have caused this instrument to be executed by these duly authorized officials or officers:

James J. Miller do hereby attest and duly verify under penalty of
(purchaser or its representative)

perjury that the information contained in this Agreement is true and correct to the best of
my knowledge.

June 4, 2003
Date

James J. Miller
(Signature of Purchaser or Representative)

For the Secretary

Date

By

(Signature)

Company Name: INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL 350

Company Address: 5200 JOEY ROAD, COUNTRYSIDE, IL 60525

Telephone Number: 708/483-8600

